

CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
February 10, 2016

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on February 10, 2016, 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  
Brady Woods, Senior Planner  
David Jacobs, Assistant City Engineer  
Amy Greyson, City Attorney's Office  
Ruth Santos, Senior Administrative Assistant

1. **APPROVAL OF MINUTES** January 13, 2016  
Adjourned Meeting of January 27, 2016

RECOMMENDED ACTION: Approve

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**PUBLIC HEARING:**

**OLD BUSINESS:**

2. **CONDITIONAL USE PERMIT NO. CU15-014**

A request to establish the sale of beer and wine for on-site consumption at an existing full service restaurant with enclosed outdoor dining area located at 6550 Knott Avenue in the CS (Community Shopping) zone. The project is Class 1 Section 15301, categorically exempt from CEQA.

PROPERTY OWNER/APPLICANT: Kevin Song  
6550 Knott Avenue  
Buena Park, CA 90621

RECOMMENDED ACTION: Receive and file

Chair Capelle informed Planning Commission and staff of the applicant's decision to withdraw the application.

Chair Capelle closed the public hearing.

**NEW BUSINESS:**

**3. CONDITIONAL USE PERMIT NO. CU15-016**

A request to establish a Community Residential Care Facility for five (5) ambulatory, non-ambulatory, and bed-ridden senior residents, and expand an existing 1,427 sq. ft. one-story single family residence to include a 1,385 sq. ft. one-story addition located at 7245 Harding Circle within the RS-6 (One Family Residential) zone. The project is Class 32, Section 15332, categorically exempt from CEQA.

PROPERTY OWNER/APPLICANT: Les Arneson  
207 Via Anita  
Redondo Beach, CA 90277

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Capelle, Ms. Santos stated that staff received correspondence, shortly after this meeting convened, from Chan P. Nguyen and Kirsten Hong, 7244 Harding Circle, Buena Park, expressing their concerns about traffic, parking, and noise increase as a result of the proposal, and stating that because the tract is residential and not commercial, the proposed use is not welcome in their neighborhood.

The staff report was presented by Brady M. Woods, Senior Planner.

The subject property is developed with a 1,427 sq. ft. single family home. The properties to the north, south, east, and west are zoned RS-6 (One Family Residential) and are developed with single family homes.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU15-016 with findings of fact and conditions.

The property under application is located at the cul-de-sac terminus of Harding Circle, with a street frontage of approximately 50 ft. and a total land area of approximately 10,385 sq. ft. The site is developed with a 1,427 sq. ft. one-story single family residence.

The submitted application and plans propose the conversion of the existing single family residential use to a community residential care facility use. As proposed, the proposed

residential care facility will be restricted to no more than five (5) ambulatory, non-ambulatory, and bed-ridden senior residents. The applicant has stated that the requested use will require two to three licensed professionals to care for residents.

The applicant is also proposing an expansion of 1,385 sq. ft. to the rear of the existing residential structure in order to accommodate the new use. The existing patio cover will be demolished and a new 529 sq. ft. concrete patio area with wood trellis will be constructed behind the existing garage. The new improvements will encumber 29% of the rear yard; less than the 30% maximum allowed by code. Overall building coverage will increase to 31.3%; less than the 40% maximum allowed by code.

The interior of the residence will be reconstructed to feature five (5) sleeping rooms and three (3) bathrooms for use by the residents, as well as an office for use by state-licensed care providers. The individual sleeping rooms will have separate entry/exit doors directly to the exterior for emergency purposes, per California Fire Code and California Building Code regulations for state licensed facilities with less than six ambulatory, non-ambulatory, and bed-ridden residents. As required, the interior corridor will be widened to 5 ft. 6 in. Windows in each sleeping room will be upgraded to 5 ft. by 4 ft. windows for emergency access/egress. Full fire suppression and alarm systems will be installed in accordance with state and local regulations for this specific use.

The exterior architecture of the expansion area will be constructed to match the existing residence in style, building material, and color. The property has four parking spaces, including two within the existing 444 sq. ft. garage and two spaces in the driveway.

The City of Buena Park Zoning Ordinance requires Planning Commission review and approval, via the Conditional Use permit process, for the proposed "Community Residential Care Facility" use within the RS-6 (One Family Residential) zone, per Zoning Code Section 19.312.010. A "Community Residential Care Facility" is defined as "*a community care facility licensed for any type of twenty-four hour care pursuant to the California Community Care Facilities Act.*" The proposed use will not exceed five residents; however, as the applicant intends to alter/remodel the structure in a manner that would impact the residential character, to include individual entry/exit doors to each sleeping room, the proposed facility cannot be classified as a "Small Group Care Home", as defined in Section 19.104.080, which would otherwise be automatically permitted with 6 or fewer residents.

The proposed building and site improvements meet the requirements of the City Code for setbacks, site layout, architectural design, vehicular access, and parking, as conditioned. The required life safety features associated with the proposed use, such as fire sprinklers, alarms and emergency entries/exits, will conform to all state and local regulations, as conditioned. There will be no emergency entry/exit doors on the front of the residence. Staff seeks to further preserve the residential character of the neighborhood and of the subject property by requiring a Restrictive Covenant deed restriction. The deed restriction shall be recorded to limit use of the property to a Residential Care Facility with five residents or a single family residence. The covenant will also include provisions that the direct entry/exit doors from each sleeping room be removed, with restoration to original condition, should the Residential Care Facility use be discontinued and the single family residential use re-established, to which the applicant has agreed. The deed restriction will ensure that the use of the remodeled and expanded structure will not be intensified so as to conflict with the standards and character of the single family residential neighborhood.

Staff has reviewed the submitted application, visited the site and vicinity and is of the opinion that the proposed project, as conditioned, including the use, architectural modifications, and on-site parking are appropriate for the site and meet applicable requirements, as conditioned.

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 January 29, 2016, and 29 notices were mailed to property owners within 300 ft. radius of the subject property on January 29, 2016.

Chair Capelle noted that it has been quite some time since Planning Commission considered an application of this nature; therefore, she asked Ms. Amy Greyson from the City Attorney's office, for clarification on residential care facilities in RS-6 (One Family Residential) zone.

Ms. Greyson stated that State and Federal law does not allow cities or counties to regulate or restrict residential care facilities, with six or fewer patients, in single-family homes. She added that such licensed residential care facilities are subject to the same local laws as single-family homes.

Mr. Rosen explained that the proposed use will not exceed five residents and this application is being considered by Planning Commission because of the proposed remodeling of the structure, to include individual entry/exit doors to each sleeping room.

Chair Capelle asked if there were any questions for staff.

Commissioner Barstow stated, and Mr. Rosen and Ms. Greyson confirmed, that because the proposed use falls under the category of six or fewer patients, the City is prohibited by State law to regulate the application any differently than a single-family home.

Commissioner Diep asked if similar laws apply to hospice care/congregate living health facilities.

Ms. Greyson said hospice care/congregate living health facilities that provide inpatient care to six or few persons are also pre-empted by State and Federal law.

Commissioner Diep asked if the proposed emergency doors are for egress only.

Mr. Woods said the proposed emergency doors are for egress only.

Commissioner Diep asked if there is a limitation of hours for the proposed use.

Ms. Greyson said there is no limit on operating hours for the proposed use.

Commissioner Schoales asked if the limitation to six or fewer persons for the proposed use includes residential care facility staff.

Ms. Greyson said the limitation does not include staff.

Commissioners Schoales and Diep asked if parking requirements will change due to the nature of the proposed use.

Mr. Rosen said parking requirements for single family homes the size of the proposed use will apply.

Commissioner McGuire commented that plans do not seem to provide for a central oxygen system. He also asked about the process for dispensation of needles.

Mr. Woods said questions regarding operations will be answered by the applicant and business operator.

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.

Les Arneson, property owner/applicant, Arneson Builders, Inc., 207 Via Anita, Redondo Beach, CA 90722, said his goal is to build a quality care facility that will comply with State, Federal, and City requirements. He said the occupants will be bed-ridden, senior patients, therefore not likely to cause nuisance; visiting hours will be scheduled; staff who will closely monitor the patients will work on rotation basis, thus eliminating the possibility of noise and parking problems. He explained that the proposed improvements, which will be compatible with the neighborhood, will most likely increase rather than decrease the value of the homes in the area.

Commissioner Barstow asked about water-saving measures and features that will ensure safety and comfort of residents.

Mr. Arneson said the facility will be in compliance with ADA requirements and with the City's water conservation measures.

Commissioner McGuire asked about licensing and staffing questions which, Mr. Arneson said, the business operator can answer.

Regina Reyes, business operator, Rancho Palos Verdes, said she has been operating residential care facilities for the past 20 years, including several facilities in the South Bay area. In response to Commissioner McGuire's questions on central oxygen system and the process for dispensation of needles, Ms. Reyes said these are covered and monitored by the Department of Health which also issues the license.

Chair Capelle asked if the business operator is required to have a license.

Mr. Reyes said the license is issued by the State of California to the facility. She said the State has a set of standards for each type of facility. Ms. Reyes added that for the proposed use, the business operator is required to have a Bachelor's Degree and abide by the policy and procedure mandated by the State.

Commissioner Schoales said that while he is familiar with a similar facility in a small tract where the use is not noticeable from the outside, he is also aware of another facility in another location where patients are picked up and dropped off by drivers of small buses who honk their horns to call the attention of passengers. Commissioner Schoales said he is concerned with noise, parking, and bus traffic.

Kishore Annaswamy, 7233 Harding Circle, Buena Park,, said he is concerned that the proposed use is not compatible with the residential area because of possible problems such as noise, parking, traffic, loitering of patients with Alzheimer and other illnesses, and decrease in property values. He said he is concerned that traffic and parking problems might affect the emergency needs of his elderly mother who resides with him. Mr. Annaswamy said he is concerned that construction activities might lead to flooding, damages to plumbing, and dust that will affect the health of his mother who usually takes strolls in his backyard. He said he wonders if the City's concern for the welfare of the seniors in the proposed residential care facility will negatively affect that of his mother.

Don Platz, 7232 Harding Circle, Buena Park, said he has resided in the neighborhood since 1972. He recalled how he and his neighbors went to Anaheim City Council in the past to complain about glaring backyard lights from the trailer park along Lincoln, to no avail. Mr. Platz said that because the proposed site is in a cul-de-sac area, he is concerned about parking, traffic, noise from ambulance sirens and Alzheimer patients screaming at night, and homeless individuals stealing drugs from the facility.

Gary Wang, 7221 Harding Circle, Buena Park, 90620, said he is concerned about parking and noise.

Kathleen Platz, 7232 Harding Circle, asked what rights the residents have if six months after, the residential care facility is converted to a halfway house or another type of facility. Ms. Platz said the influx of people from all walks of life in her neighborhood is causing her to be concerned about her children's safety. She said she is a resident of the City of Buena Park but neither Buena Park nor the City of Anaheim responded to their past complaints about a fence on the borderline of Anaheim and Buena Park. She added that the proposed use may cause parking and traffic problems in the cul-de-sac area. Ms. Platz also said that her 15 years experience in the health care industry made her aware of how some patients are neglected in residential care facilities.

Ms. Platz asked if a letter has been received from Oma Kimerey of 7250 Harding Circle.

Ms. Santos stated that staff had not received the letter.

Mr. Rosen said he will meet with Ms. Platz regarding the aforementioned fence complaint.

Commissioner Gonzales asked if the number of small buses servicing the patients can be restricted.

Mr. Greyson said restriction is possible in some cases but may not be required for the proposed use which will have fewer than six patients.

Ms. Reyes said none of the facilities that she has been operating for the past 20 years has had any of the problems mentioned. The patients in her facilities are closely monitored by staff and visiting doctors, and staffing, visits, pick-ups, and drop-offs are efficiently scheduled. Ms. Reyes added that she will be willing to meet with residents to address their concerns.

Commissioner Barstow said Ms. Platz's concern about possible change of use in the future is valid, and asked about the procedure should the request occur.

Mr. Rosen said a change of use may require modifications to the structure. He reiterated that, if the proposed use serves six or fewer patients in a single-family home, State law prohibits the city from regulating it any differently than a single-family home. He also pointed out that this application was brought before the Planning Commission because of the proposed modifications to the structure.

Ms. Greyson emphasized that because of State preemption, a licensed facility serving six or fewer patients will be regulated by the City in the same manner as a single-family home.

Commissioner Schoales commented that the proposed site with a single-story house is about 50 years old, was remodeled without permits, and listed for sale since October. He concluded that the structure probably needs a lot of improvements.

Mr. Arneson said that he is the new owner of the property and after all the improvements are completed, the house will have a pleasing appearance, without any semblance of its former condition. He said Ms. Reyes will work together with the residents to alleviate their concerns.

Ms. Reyes said approximately \$200,000 to \$400,000 will be spent on renovations; thus, the proposed site, probably the nicest house in the area, will not decrease property values in the neighborhood. She said she understands the neighbors' concerns and assured them that the proposed facility will not cause any problems. She said she is willing to give the neighbors a tour of her South Bay facilities to give them an idea about her operations.

Before closing the public hearing, Chair Capelle explained that Planning Commission cannot impose conditions that are in conflict with the State's rights under residential care facilities. She explained that State statutes on the proposed use will provide seniors the opportunity to live in community and home settings as opposed to being institutionalized.

Commissioner Diep stated that Planning Commission is reviewing the proposed modifications to the structure and, although concerns from the residents are acknowledged, this application is subject to the same standards as single-family homes.

Chair Capelle encouraged the property owner/applicant and the business operator to meet with the neighbors and provide their contact information in order to discuss the neighbors' concerns.

There being no one else wishing to speak on the matter, Chair Capelle then 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 Resolution approving Conditional Use Permit No. CU15-016 with findings of fact and conditions therein.

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

RESOLUTION NO. 5899  
CONDITIONAL USE PERMIT NO. CU15-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST TO ESTABLISH A COMMUNITY RESIDENTIAL CARE FACILITY FOR FIVE (5) AMBULATORY, NON-AMBULATORY, AND BED-RIDDEN SENIOR RESIDENTS, AND EXPANSION OF AN EXISTING 1,427 SQ. FT. ONE-STORY SINGLE FAMILY RESIDENCE TO INCLUDE A 1,385 SQ. FT. ONE-STORY ADDITION LOCATED AT 7245 HARDING CIRCLE WITHIN THE RS-6 (ONE FAMILY RESIDENTIAL) ZONE

**ORAL COMMUNICATIONS:**

None

**AGENDA FORECAST:**

None

**STAFF REPORTS:**

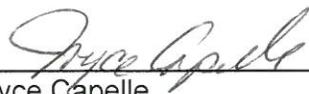
Mr. Rosen reported on the status of Hotel Stanford, Porto's, the former Movieland property/Butterfly Pavillon, the Source, and Los Coyotes projects. He also informed the Commissioners that the new Commissioners Guide will be distributed soon.

**COMMISSION REPORTS:**

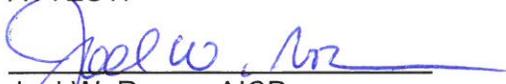
None

**ADJOURNMENT:**

At 8:20 p.m., Chair Capelle adjourned the meeting to the Planning Commission meeting on Wednesday, February 24, 2016, in the City Council Chamber.

  
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Joyce Capelle  
Chair

ATTEST:

  
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Joel W. Rosen, AICP  
Secretary