

**CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
February 14, 2024**

The regular meeting of the Planning Commission of the City of Buena Park convened at 6:30 p.m. on February 14, 2024, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California, with Chair Judeh presiding.

PRESENT: COMMISSIONERS: Choi, Davis, Diep, Patiño, and Judeh

Matt Foulkes, Director of Community and Economic Development
Swati Meshram, Ph.D., AICP, LEED AP, Planning Manager
Harald Luna, Senior Planner
Ian McAleese, Senior Planner
Reina Schaetzl, Associate Planner
Tianna de la Paz, Assistant Planner
John W. Lam, Assistant City Attorney
Deepthi Arbolu, P.E., T.E., Assistant City Engineer
Ray Tae, Senior Office Assistant
Ruth Santos, Senior Administrative Assistant

1. GENERAL

- 1A. CALL TO ORDER
- 1B. ROLL CALL
- 1C. PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

None

3. CONSENT CALENDAR

- 2A. APPROVAL OF MINUTES – January 24, 2024 Planning Commission Meeting

RECOMMENDED ACTION: Approve

Vice Chair Davis moved and Commissioner Diep seconded the motion to approve this item.

The motion carried unanimously.

AYES: 5 **COMMISSIONERS:** Davis, Diep, Choi, Patiño, and Judeh

NOES: 0 **COMMISSIONER:**

ABSENT: 0 **COMMISSIONER:**

ABSTAINED: 0 **COMMISSIONER:**

4. PUBLIC HEARING

4A. GENERAL PLAN NO. GP-22-1, ZONE CHANGE NO. Z-22-1, SITE PLAN NO. SP-22-13, AND MITIGATED NEGATIVE DECLARATION NO. MND-22-1 - A request for a General Plan Amendment (GP-22-1) to change the existing General Plan Land Use designation from Low-Density Residential to High-Density Residential; Zone Change (Z-22-1) to change the existing zoning district from RS-6 (One-Family Residential) to RM-20 (Medium-Density Multifamily Residential); Site Plan (SP-22-13) to allow the development of a 12-unit apartment multi-family residential development and other site improvements on currently vacant lots at 7682, 7692, 7712, and 7722 Craig Avenue. A Mitigated Negative Declaration (MND-22-1) was prepared and circulated in compliance with the California Environmental Quality Act. The Draft Mitigated Negative Declaration was available for public review and comment from December 22, 2023 to January 16, 2024. The property owner is Craig & Beach Investment, Inc., 5681 Beach Boulevard, #200, Buena Park, CA 90621. The applicant is Sean Mo, 3530 Wilshire Boulevard, #1830, Los Angeles, CA 90010.

Mr. Luna presented the staff report, including comments from the public - one e-mail, received on February 9, 2024, expressed concerns about decrease in property values and increase in traffic flow on Craig Avenue and Pacific Avenue (part of the agenda packet), and another e-mail (opposition to apartments in the area) was received on February 14, 2024 and distributed to the Commission.

Chair Judeh asked if there were any questions/clarifications of staff.

Commissioner Diep asked for confirmation that the apartments would be rental units.

Mr. Luna confirmed that the apartments will be rental units.

Commissioner Diep noted that there is no information at this time about storage facilities for the units and asked if there are two or more cars for the occupants that they must park those in the garages and not use garages for storage in-lieu of parking their cars.

Mr. Luna stated that based on his conversation with the applicant, the restriction will be part of the lease agreement. The applicant can speak further on this matter.

Commissioner Diep noted that the City is doing some rezoning pertaining to RHNA (Regional Housing Needs Allocation) and asked if this site has been identified as potential RHNA site.

Mr. Luna stated that this site has been identified as vacant parcels with no overlay designated for these parcels.

Vice Chair Davis asked if the proposed zone change is just for this site and not for any other surrounding parcels.

Mr. Luna confirmed that the proposed General Plan Amendment and Zone Change are just for the subject four parcels and not for the surrounding sites.

Vice Chair Davis expressed approval of the layout showing the only access in and out of the development is on Craig Avenue.

Mr. Luna confirmed that the only vehicle access to the site is from Craig Avenue.

Commissioner Choi asked if the parking was limited to two cars per unit and, if there are more than two vehicles, where can they park the extra cars.

In response to Commissioner Choi, Mr. Luna confirmed that there are two attached garage parking spaces per unit plus 12 additional open parking spaces for guests, located on the west portion of the property.

Commissioner Patiño asked staff to confirm that the development of the area is compliant with the City of Buena Park Zoning Codes.

Mr. Luna confirmed that with the proposed General Plan Amendment and Zone Change, the proposed project will comply with the development standards of the Buena Park Municipal Code for a multi-family development.

Vice Chair Davis stated, and Mr. Luna confirmed, that each unit is within the three stories, not stacked. The ground level will contain the garage parking, along with the main entrance to the unit. The upper two levels directly above each unit will be part of the living areas of the unit.

Commissioner Choi noted that there is a single-family home adjacent to the property on Craig Avenue. He asked if something will be done (to protect the privacy of the residents of the single-family home).

Mr. Luna presented a slide showing enhanced landscaping, along the west and north portion of the project, that will protect the neighbor's privacy.

There being no further questions/clarifications of staff and applicant, Chair Judeh opened the public hearing.

Sean Mo, applicant/architect, provided a presentation to the Planning Commission on the proposed project.

Vice Chair Davis asked how many cars can pass along the driveway if a car is parked in front of a garage.

Mr. Foulkes stated that the width of the drive aisle is 25 feet, which is the standard width of a two-way driveway that would allow two-way traffic.

Commissioner Choi noted that he did not hear, during the presentation, any reference to possible noise and traffic during the construction hours.

Mr. Mo said that the proposed project will comply with City requirements, including the Noise Ordinance.

Mr. Foulkes added that the proposed project will be subject to conditions of approval related to times and days of construction, and the city's Noise Ordinance.

Commissioner Patiño asked about the expected duration of construction.

Mr. Mo state that construction is expected to take place from ten months to one year.

Chair Judeh asked if the window (location) and landscaping will address privacy concerns of the residents surrounding the subject lots.

Mr. Mo said yes, and presented the slides showing the proposed landscaping along the sides of the entire property.

Chair Judeh asked the applicant if there will be measures in place to ensure that the rules stated in the lease agreement, regarding parking, are followed so the residents are not impacted.

Mr. Mo stated that the residents will be made to review and sign the lease agreement, and any violations will be promptly reported to the property manager whose contact information will be posted on site.

Chair Judeh asked Mr. Mo to confirm that the property manager will not be present on site, but the contact information will be posted publicly for the residents.

Mr. Mo confirmed that the property manager's contact information will be posted on site.

Chair Judeh asked about the anticipated rental rates for the apartments.

In response to Chair Judeh, Mr. Mo stated that the information on anticipated rental rates are not available at this time.

Commissioner Davis asked if these apartments would be rented at market rate.

Mr. Foulkes confirmed that apartment units are all market rate.

There being no other questions of the applicant, Chair Judeh asked Ms. Santos to call on the members of the public who signed in to speak.

1. William Bergin spoke about that petition that he obtained, signed by 30 individuals who strongly oppose the project. He said that more people would have signed the petition but he did not have enough space on the paper. He spoke about how the proposed project will affect the whole neighborhood - there will be backed-up parking and difficulty trying to get out on Beach Boulevard, Craig, Western, and Franklin. He said that he lives next door to the proposed site, he does not want the project, nobody wants it, and property values in the area will depreciate. If the applicant wants to build anything, it should be four single-family single-story residences. As for parking, he anticipates that the new residents will not use their garages and they will park on the streets, which will then be backed-up past his house and he will not be able to get out onto Beach Boulevard. In addition to that, the area will not be safe for people who bike to work. He said that he has lived in his house for 30 years now, and his house is fully paid. Many of his neighbors have lived longer in the area, it is peaceful and they want to keep it that way.

Chair Judeh asked Mr. Bergin if he would like to submit the petition for public records.

Mr. Bergin said that he gave copies to Mr. Mo, to the Environmental Agency from Riverside, and to Mr. Luna.

Mr. Luna acknowledged that he received the petition, which was incorporated in the final draft Initial Study that is included as an attachment to the staff report.

2. Jaime, 7722 Pacific Avenue, said that he bought his house in 2003. He described where he currently resides as "a little village, where there are only houses." However, there are many apartments by Western. What he does not like about apartments is that they will be built now and sold later in order to make profit. He said that, if he could, he would build apartments on his property not live there and sell to make a profit; but that would ruin his neighborhood. He indicated that his house is a two-bedroom with one bathroom and that the surrounding homes are the same with a small population. He said that he liked the presentation, but he is concerned about the effects of building apartments on the surrounding neighbors. It will be a "nightmare," he said.

3. Ricardo Jimenez, 5551 Fullerton Avenue, said that he and his wife just moved to the area about two and a half years ago. They were looking for a neighborhood with no traffic and no overpopulation. He is aware that each unit will have a minimum of a two-car garage and an extra parking space for guests but he is concerned about enforcement of the rules. He would like to keep the community clean and not overpopulated. He also noted that in California, we are building vertically.

4. Angelica shared her husband's concerns (Ricardo Jimenez), and stated that when there is no property manager on site, the residents will use the garages for storage and park on the streets. In closing, Angelica said that the project looks lovely, but she foresees many issues in the future.

5. Wendy Blake stated that this is a terrible idea. Over the past ten years, the traffic has been getting worse. The pre-school affected traffic a lot. This morning, it took her seven minutes just to get off her street, and its "crazy" to think you can police who is putting what in their garage. She spoke about the height of the project and her concerns regarding privacy, property values, and cut-through traffic. The proposed project will not blend with the character of the neighborhood. She also raised concerns about increase in crime rate, and traffic congestion especially during the Halloween Haunt season.

6. Miguel Vaquero recalled a meeting a year ago where they strongly voiced their opposition to the project. He said that it is no secret that California has a population problem, he heard the neighbors raise their concerns on the project, and yet no matter how they voice their opinions, the project will continue. Limiting the cars to two is not realistic. It seems that this parking requirement is a precedent and more zone changes will occur in the future. He also stated that he did not receive the public hearing notice.

7. Alice Lee, apologized to the speakers for not being on their side, and stated that she has lived in the City for the past 12 years, her children attend schools within the Buena Park School District, and they do not want to relocate. She has been on the lookout for rental housing, but there are not enough vacancies. Some are in bad condition and the rental prices are high. She thinks that this is a great idea and perfect for her family. The apartment complex has a good townhouse layout, a centralized location, and is within the vicinity of a school. She supports the project. It will revitalize the neighborhood and if the project is approved, she will be moving in.

Chair Judeh asked if the applicant would like to respond to the speakers.

Ruben Salas, Environmental Consultant, Kimley-Horn, said that potential environmental impacts of the project have been analyzed in the Initial Study/Mitigated Negative Declaration. Mr. Salas said notices were mailed to properties located within the required 300 ft. radius; the notice was posted on the local newspaper, and on the City's website. Additionally, a list of agencies provided by the City were also notified. Any additional noticing beyond the 300 ft. radius was not required. As such, the CEQA and City Guidelines for public noticing were adequately met. Regarding traffic concerns, the traffic specialists prepared a trip generation and VMT analysis for the proposed project using the ITE Land Use 220 for (multi-family housing) to model this project. The trip generation analysis determined that the project would generate 57 daily trips, with five trips in the a.m. peak hour and eight trips in the p.m. peak hour. Additionally, the Project site is located within half a mile of a train station. As such, the Project is considered located within Transit Priority Area (TPA), which means that residents have other options to travel, not only by vehicle, but also by rail and bus, because bus stops are located around the corner. Lastly, the Project will put in a new sidewalk, curb & gutter. Currently, there is no sidewalk and pedestrians do not have the ability to walk uninterrupted along the Project's frontage. To summarize, traffic will not be an issue for the site as determined by the traffic analysis.

Chair Judeh asked staff to confirm that 300-foot radius is what is required for noticing.

Mr. Luna confirmed that 300-foot radius is the requirement for noticing.

Chair Judeh invited the applicant to respond to concerns raised about parking, including the number of cars a tenant can have, and if it is possible to limit the number of cars to two per tenant.

Mr. Mo stated that adequate number of parking spaces will be provided, as required. He said that it is possible to limit the number of cars to two per tenant, and this can be incorporated in the lease agreement.

Mr. Luna added that Planning Condition of Approval No. 22 on the proposed resolution addresses some of the parking concerns raised. It requires that all parking areas be clear of storage in order to maintain parking.

Dr. Meshram confirmed that that number of parking spaces provided complies with the standards for this type of development in the RM-20 zone.

Chair Judeh commented that regardless of the requirement, most of the speakers raised concerns about excessive parking on the street.

There being no other questions/clarifications, no one else from the public wishing to speak on the matter, and no other written communication, Chair Judeh closed the public hearing and announced that the Commission may ask further questions of staff, make comments, and start deliberations.

Noting that the proposed project meets the minimum parking requirement, Commissioner Diep asked if there is a required number of visitor parking spaces for a certain number of residents.

Dr. Meshram stated that there is no requirement for visitor parking spaces; the amount of required parking is based on the total number of bedrooms. The code only makes a distinction on covered and not covered spaces, and in this case, the applicant is providing more covered parking spaces.

On the possibility of restricting the number of cars to two per tenant, Commissioner Diep said that although it is a possibility, it is also unlikely, especially in a three-bedroom unit. One way to manage parking is to require that the garage spaces be utilized for the parking of two cars. She commented that she likes that this project has one only entrance in an out of the development. She noted that the width of the property will allow for at least six to ten cars to park on the street across the front of the development. She asked if street parking is allowed on Craig Avenue.

Ms. Arabolu stated that the street is 36 feet wide and designed for two-way traffic. Parking is allowed on both sides, with no restrictions except where there is a red curb.

Commissioner Diep complimented the proposed landscaping and commented that there should be clear visibility from both sides of the driveway. She said that aerial photos are usually taken in the middle of the day and do not show the number of cars parked on the street at night. As Ms. Arabolu has said, parking cannot be restricted on the public streets; however, the property manager and City Code Enforcement can enforce parking rules in the development.

In addition to what Commissioner Diep stated, Mr. Luna stated yes, and reiterated that Planning Condition No. 22 on the proposed resolution requires that parking areas be clear of storage in order to maintain parking and allow Code Enforcement staff to enforce those regulations.

Commissioner Diep asked how Code Enforcement would monitor the (parking) situation. She also asked if the conditions on the lease agreement and the conditions of the entitlement will apply to the new owner after the property is sold.

Mr. Luna said the violations will be reported to Code Enforcement and Code Enforcement will visit the site and give the corresponding notice of violation, which may lead to citations for the violation. The lease agreement and the conditions of the entitlement will remain the same, to apply to the new owner, after the property is sold.

Commissioner Diep recalled that the previous proposal consisted of 77 units of assisted living facility. That proposal was scaled down. The currently vacant site is included in the Housing Element as a site that would be developed to comply with the requirement to find sites to accommodate about 8,000 plus units throughout the City in accordance with the State requirement. She asked staff to shed more light on by-right housing and density bonus on this proposed project, if it applies to this subject site.

Mr. Luna explained that by-right in the RS Zone the property owner could develop, per the current Municipal Code and State Law, a single-family dwelling, apply for a second primary dwelling under SB-9, and may propose a detached ADU and a Junior ADU for a total of 14 units. If the parcels were to be sold to separate persons then each property owner would be allowed to develop up to 4 units per parcel for a total of 16 units.

Commissioner Diep said that with onsite parking at two parking spaces per lot, driveway parking, then street parking, 14 units could hypothetically have as little as eight parking spaces if this project was single-family houses built with ADUS.

Commissioner Diep then asked if CCRs are possible if the four parcels were built as single-family and sold separately in order to restrict use of garage for parking.

Mr. Foulkes said that CCRs would not apply if the properties were sold separately.

Chair Judeh asked if her recommendation to limit each tenant to two cars is possible.

Mr. Mo said that it is possible.

Mr. Lam stated that the landlord has a greater leverage to enforce the rules through a lease agreement. The City can also go to the landlord when there is a violation of the Conditional Use Permit (CUP).

Commissioner Diep noted comments from speakers preferring one-story only single-family homes in the area. She asked staff if it is possible to restrict the height to one-story under the current zoning.

Mr. Luna stated that under the current RS-6 zoning, the property owner would be able to build up to two-story homes.

Vice Chair Davis commented that street parking is possible on the entirety of Craig Avenue (except where there are red curbs), not necessarily just in front. She added that putting restrictions on the number of cars a tenant can have (two per tenant) is not realistic - children grow up and the tenant will eventually own more cars.

Ms. Arbolu added that the measurement of the street and the number of parking spaces available would not necessarily require permit parking. She stated that permit parking is done by petition of the majority of the residents.

Commissioner Patiño stated, and Mr. Foulkes and Mr. Luna confirmed, that Buena Park is complying with the requirements of the State of California to provide more housing (8,919 units) and at the same time listening to the concerns of the residents.

Commissioner Diep commented that she is not supportive of restricting each unit to two cars; there are alternative solutions such as assigning each of the twelve additional spaces, with designated numbers, to be included in the lease agreement. She said that restricting each unit to two cars is not realistic.

Mr. Luna pointed out that among the 12 open parking spaces; one space is an accessible parking space, as required for the development.

Chair Judeh asked for the possibility of rezoning in the future.

Mr. Luna said a property owner has the right to apply for a zone change, which will go through the same process.

Chair Judeh asked if it is possible to add a recommendation limiting the number of cars to two per unit, how this requirement will be monitored, and if the applicant would be open to that.

Mr. Luna said it is possible to add the requirement to the conditions.

Mr. Lam said that citations will be issued by the City for violations.

Mr. Mo said that the owner loves the City, tried to mitigate all possible concerns, and will be open to limiting the number of cars to two per unit.

Commissioner Diep reiterated that she is uncomfortable about limiting the number of cars to two per unit, knowing that aside from the two-car garage, there are open parking spaces for visitors, which tenants can use on a first-come first-served basis.

Mr. Lam confirmed that it looks like City codes do not specify how many guest parking spaces are required so, in theory, there is an option to designate six or four as guest spaces, and the other ones can be on an application or first-come first-served basis. He added that perhaps six are made available to renter and the remaining 6 spaces are reserved for guest parking spaces

Mr. Foulkes stated that the entitlement could also be amended after the fact if parking becomes a problem. The entitlements could be amended even after the project is completed if parking problems occur.

Chair Judeh explained that the reason why she is recommending the restriction of the number of cars per unit is so that the responsibility is on the landlord.

Commissioner Diep asked staff and counsel for alternatives such as amendments to the proposal.

Mr. Foulkes said that if the majority of the Commission supports an added condition of approval requiring the lease agreement for two parking spaces, it could be added when the project is brought forward to the City Council.

Commissioner Diep asked about the possibility of adding a condition to bring this item back for a status report six months after the project is completed.

Mr. Foulkes stated that staff would not recommend that because six months is not enough time to gauge if there are parking issues at the project.

There being no other comments/deliberations, Chair Judeh advised that the item requires adoption of Resolutions recommending City Council approval.

Chair Judeh moved and Commissioner Choi seconded the motion to adopt the Resolutions recommending City Council approval of General Plan No. GP-22-1, Zone Change No. Z-22-1, Site Plan No. SP-22-13, and Mitigated Negative Declaration No. MND-22-1, with an added condition to restrict the number of cars to two per unit, through a lease agreement.

AYES: 2 COMMISSIONERS: Judeh and Choi
NOES: 2 COMMISSIONERS: Davis and Diep
ABSENT: 0 COMMISSIONER:
ABSTAINED: 1 COMMISSIONER: Patiño

Chair Judeh advised that the motion failed; therefore, the item requires a new motion.

Chair Diep commented that a motion could also be made to approve the project with direction to staff to work with the applicant to ensure that the parking situation is monitored.

Dr. Meshram stated it would also be appropriate to move to approve staff recommendation (to approve the resolutions recommending City Council approval) without any additional conditions, and leave it up to staff to ensure adherence to the conditions, and to put it back on the agenda if there are any violations to conditions under the CUP.

Commissioner Diep moved and Vice Chair Davis seconded the new motion to adopt the Resolutions recommending City Council approval of General Plan No. GP-22-1, Zone Change No. Z-22-1, Site Plan No. SP-22-13, and Mitigated Negative Declaration No. MND-22-1.

AYES: 5 COMMISSIONERS: Diep, Davis, Choi, Patiño, and Judeh
NOES: 0 COMMISSIONER:
ABSENT: 0 COMMISSIONER:
ABSTAINED: 0 COMMISSIONER:

**RESOLUTION NO. 6321
GENERAL PLAN AMENDMENT NO. GP-22-1**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GP-22-1 FOR THE PROPERTIES LOCATED AT 7682, 7692, 7712, AND 7722 CRAIG AVENUE, AMENDING THE LAND USE MAP OF THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL LAND USE TO HIGH DENSITY RESIDENTIAL DESIGNATION AND MAKING FINDINGS IN SUPPORT THEREOF

**RESOLUTION NO. 6322
ZONE CHANGE NO. Z-22-1**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE Z-22-1 TO

CHANGE THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 7682, 7692, 7712, 7722 CRAIG AVENUE (APNS: 066-132-09, -15, -16, AND -17) FROM RS-6 (ONE-FAMILY RESIDENTIAL) TO RM-20 (MEDIUM-DENSITY RESIDENTIAL)

**RESOLUTION NO. 6323
SITE PLAN REVIEW NO. SP-22-13**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A REQUEST TO ALLOW FOR THE DEVELOPMENT OF A NEW 12-UNIT APARTMENT HOME COMMUNITY WITH ITS REQUIRED OFF-STREET PARKING, OPEN SPACE AND ASSOCIATED SITE IMPROVEMENTS FOR THE PROPERTIES LOCATED AT 7682, 7692, 7712, AND 7722 CRAIG AVENUE (APNS: 066-132-09, -15, -16, AND -17), AND MAKING FINDINGS IN SUPPORT THEREOF

**RESOLUTION NO. 6324
MITIGATED NEGATIVE DECLARATION NO. MND-22-1**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BUENA PARK CERTIFY THE COMPLETION OF A MITIGATED NEGATIVE DECLARATION NO. MND-22-1 FOR GENERAL PLAN AMENDMENT NO. GP-22-1, ZONE CHANGE NO. Z-22-1, AND SITE PLAN NO. SP-22-13, TO DEVELOP A 12-UNIT APARTMENT HOME COMMUNITY WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS FOR THE PROPERTIES LOCATED AT 7682, 7692, 7712, AND 7722 CRAIG AVENUE (APNS: 066-132-09, -15, -16, AND -17)

5. AGENDA FORECAST:

Dr. Meshram announced that the February 28, 2024 Planning Commission meeting will consider four items: two Zoning Code Amendments - one on Accessory Dwelling Units and another one related to fences in Commercial and Industrial zones in the City; and two development projects located at 7869 Beach - a six-story 140-bedroom hotel project, and another an office building at 7911 Orangethorpe Avenue.

6. STAFF REPORTS:


None

7. COMMISSION REPORTS:

Chair Judeh and Vice Chair Davis reported briefly on their attendance at the Planning Directors Association of Orange County (PDAOC) Annual Forum last February 1, 2024.


8. **ADJOURNMENT:**

At 8:30 p.m., Chair Judeh adjourned the Planning Commission meeting.



Mirvette Judeh
Chair

ATTEST:



Swati Meshram, Ph.D., AICP, LEED AP
Planning Manager