

Wednesday, March 12, 2025, 6:30 PM
COUNCIL CHAMBER
6650 Beach Boulevard
Buena Park, CA 90621

PLANNING COMMISSION
AGENDA

6:30 p.m.

1. GENERAL

1A. CALL TO ORDER

1B. ROLL CALL

1C. PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

2A. ORAL COMMUNICATIONS

This is the portion of the meeting set aside to invite public comments regarding any matter within the jurisdiction of the Planning Commission. Public comments are limited to no more than three minutes each. If comments relate to a specific agenda item, those comments will be taken following the staff report for that item and prior to the Planning Commission vote. Those wishing to speak are asked to add their information at the digital kiosk located at the entrance of the Council Chamber.

3. ELECTION OF CHAIR AND VICE-CHAIR

4. CONSENT CALENDAR

4A. APPROVAL OF MINUTES

December 11, 2024

4B. EXTENSION OF APPROVAL NO. EXT-25-1

A request to extend the approval of Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3, as previously approved, to restore operation of a walk-up window use, along with the addition of a 231 square-foot covered patio, facade updates, and related site improvements for an existing 1,189 square-foot restaurant located at 6925 Western Avenue in the ACSP (Auto Center Specific Plan) B-1 Sub-District with a Mixed Use Overlay-45 zone.

The property owner/applicant is Deron Matsuoka, Trico Trading Corporation, 6855 Western Avenue, Suite N, Buena Park, CA 90621.

The project is Categorically Exempt, pursuant to Section 15301 (Existing Facilities) Class 1 of the State California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDED ACTION: Approve by one (1) year for Extension of Nonconforming Privilege No. ENP-22-1 and Conditional Use Permit No. CU-22-3 as previously approved.

4C. TERMINATION OF NONCONFORMING USE

A request to consider whether to initiate such proceedings and schedule a future public hearing pursuant to Section 19.132.020 of the Buena Park Municipal Code, at which the Planning Commission would hear all evidence submitted and consider whether to terminate the nonconforming use operating on the property and/or declare a public nuisance at the property 7891 Whitaker Street.

The property owner is Patel Balubhai Gopal, The Coral Motel, 7891 Whitaker Street, Buena Park, CA 90621.

The project is Categorically Exempt, pursuant to Section 15301 (Existing Facilities) Class 1 of the State California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDED ACTION: Initiate proceedings and schedule a public hearing for April 23, 2025 pursuant to Section 19.132.020 of the Buena Park Municipal Code (BPMC) to consider whether to terminate the nonconforming use operating on the property and/or declare a public nuisance.

5. NEW BUSINESS

5A. COMMUNITY MEETING FOR THE LAND USE AND COMMUNITY DESIGN ELEMENT AND RESIDENTIAL ZONING CODE UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT NO. EIR-25-1

6. STAFF REPORTS

6A. STAFF REPORTS

7. AGENDA FORECAST

7A. ANNOUNCEMENTS, CONFERENCE REPORTS AND CALENDAR REQUESTS

8. COMMISSION REPORTS

8A. COMMISSION REPORTS

9. ADJOURNMENT

9A. ADJOURNMENT

This agenda contains a brief general description of each item to be considered. Supporting documents are available for review and copying at City Hall or at www.buenapark.com. Supplementary materials distributed to the Planning Commission less than 72 hours before the meeting are posted to the City's website at www.buenapark.com and copies are available for public inspection beginning the next regular business day in the Planning Division Office. Video streaming of the meeting is available on the City's website. This governing body is prohibited from discussing or taking action on any item which is not included in this agenda; however, may ask clarifying questions, ask staff to follow-up, or provide other direction. The order of business as it appears on this agenda may be modified by the governing body.

In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, contact the City Clerk's Office at (714) 562-3750 or the California Relay Service at 711. Notification at least 48 hours prior to the meeting will enable the City to make arrangements to assure accessibility.

If you would like to participate in any matter of business on the agenda and would like translation in Chinese, Korean, Spanish, Tagalog, or Vietnamese, please contact the **Planning Division at (714) 562-3620 48-hours prior to the meeting**. Residents requiring translation during Oral Communications are encouraged to bring interpreters.

시의회 목록에 있는 정식 안건에 대해 의견을 발표하고 싶으신 경우, 중국어, 한국어, 스페니쉬, 타갈로에 대한 통역사가 필요하시면 시미팅 48시간전 시서기 오피스로 (714-562-3750) 연락하시면 됩니다. 정식안건이 아닌 주민 발언시간에 발표하실 경우, 본인의 통역사를 직접 모시고 오시면 감사하겠습니다.

Si le gustaría participar en audiencia pública o cualquier asunto de negocios programado en la agenda y necesita traducción en chino, coreano, español, tagalo o vietnamita, comuníquese con la Oficina del Secretario de la Ciudad, 48 horas antes de la reunión al (714) 562-3750. Para participar en los comentarios públicos sobre cualquier otro asunto dentro de la jurisdicción del ayuntamiento, se les recomienda que traiga un intérprete.

I, Ruth Santos, City of Buena Park, do hereby certify, under penalty of perjury under the laws of the State of California that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at Buena Park City Hall, 6650 Beach Blvd., and uploaded to the City of Buena Park website www.buenapark.com.

Ruth Santos
Sr. Administrative Assistant

Date Posted: March 6, 2025



A. APPROVAL OF MINUTES

December 11, 2024

Meeting	Agenda Group
Wednesday, March 12, 2025, 6:30 PM	CONSENT CALENDAR Item: 4A.
Prepared By	
Ruth Santos, Senior Administrative Assistant	

Attachments

[2024-12-11 PC M DRAFT.pdf](#)

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
December 11, 2024

The regular meeting of the Planning Commission of the City of Buena Park convened at 6:30 p.m. on December 11, 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
Josh Alvarez, Assistant Planner
Ray Tae, Senior Office Assistant
John W. Lam, Assistant City Attorney
Ruth Santos, Senior Administrative Assistant

1. GENERAL

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

INTRODUCTION

Dr. Meshram introduced Josh Alvarez, Assistant Planner.

Mr. Alvarez addressed the Commission briefly.

2. ORAL COMMUNICATIONS

None

3. CONSENT CALENDAR

3A. APPROVAL OF MINUTES - November 13, 2024 Planning Commission Meeting.

Commissioner Diep moved and Vice Chair Davis seconded the motion to approve the minutes of the November 13, 2024 Planning Commission Meeting.

The motion passed.

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

4. PUBLIC HEARING

4A. DEVELOPMENT AGREEMENT NO. DA-24-2, A SECOND AMENDMENT TO DEVELOPMENT AGREEMENT NO. DA-27 - A request for a second amendment to the existing Development Agreement No. DA-27 to extend the term of the Development Agreement by five (5) years and set the Development Agreement expiration date to February 24, 2040 ("Expiration Date"), for an existing billboard sign located at 7312 Walnut Avenue (APN: 136-173-07) and two existing billboard signs located at 8301 Orangethorpe Avenue (APN: 276-331-11) within the ML (Light Industrial) and BOZ (Billboard Overlay Zone) zones.

Mr. Luna presented the staff report.

There being no questions of staff, Chair Judeh opened the public hearing.

Robyn Barrios, applicant, Clear Channel Outdoor, discussed the reason for the requested extension of term of the Development Agreement. He also responded to Commissioner Choi's questions about fees and income generated for the city by the billboards.

There being no speakers and no written communications, Chair Judeh closed the public hearing.

Commissioner Diep moved and Commissioner Choi seconded the motion to adopt the resolution recommending City Council approval.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

**RESOLUTION NO. 6365
SECOND AMENDMENT TO
DEVELOPMENT AGREEMENT NO. DA-27**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVE DEVELOPMENT AGREEMENT NO. DA-24-2 SECOND AMENDMENT TO DEVELOPMENT AGREEMENT NO. DA-27 TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT BY FIVE (5) YEARS AND SET THE DEVELOPMENT AGREEMENT EXPIRATION DATE TO FEBRUARY 24, 2040 ("EXPIRATION DATE") FOR AN EXISTING BILLBOARD SIGN LOCATED AT 7312 WALNUT AVENUE (APN: 136-173-07) AND TWO EXISTING BILLBOARD SIGNS LOCATED AT 8301 ORANGETHORPE AVENUE (APN: 276-331-11) WITHIN THE ML (LIGHT INDUSTRIAL) AND BOZ (BILLBOARD OVERLAY ZONE) ZONING AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF BUENA PARK

B. EXTENSION OF APPROVAL NO. EXT-25-1

A request to extend the approval of Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3, as previously approved, to restore operation of a walk-up window use, along with the addition of a 231 square-foot covered patio, facade updates, and related site improvements for an existing 1,189 square-foot restaurant located at 6925 Western Avenue in the ACSP (Auto Center Specific Plan) B-1 Sub-District with a Mixed Use Overlay-45 zone.

The property owner/applicant is Deron Matsuoka, Trico Trading Corporation, 6855 Western Avenue, Suite N, Buena Park, CA 90621.

The project is Categorically Exempt, pursuant to Section 15301 (Existing Facilities) Class 1 of the State California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDED ACTION: Approve by one (1) year for Extension of Nonconforming Privilege No. ENP-22-1 and Conditional Use Permit No. CU-22-3 as previously approved.

Meeting	Agenda Group
Wednesday, March 12, 2025, 6:30 PM	CONSENT CALENDAR Item: 4B.
Prepared By	
Carlos Castellanos, Assistant Planner	

PROPERTY INFORMATION:

The subject property is located on an approximately 11,250 square-foot parcel, located on the west side of Western Avenue, approximately 300 feet to the north of Orangethorpe Avenue. The site is developed with a stand-alone 1,189 square-foot restaurant with a total of 17 parking spaces. The zoning for the property is ACSP (Auto Center Specific Plan) B-1 Sub-District with a Mixed-Use Overlay-45, and the General Plan Land Use designation is Commercial.

SURROUNDING LAND USE CHARACTERISTICS:

The property is surrounded by ACSP (Auto Center Specific Plan) with a Mixed Use Overlay-45 zoned parcels developed with a used car sales use on the south boundary. The parcel to the north and west is zoned CM (Commercial Manufacturing) with a Mixed Use Overlay-45 and developed with a multi-tenant retail shopping center to the north and multi-tenant commercial complex to the west. To the east, across the street on Western Avenue is a grocery retail development that is zoned CG (Commercial General).

BACKGROUND:

On September 28, 2022, the Planning Commission approved Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3, and adopted Resolution No. 6256 to restore operation of a walk-up window use, along with the addition of a 231 square-foot covered patio, facade updates, and related site improvements to the existing restaurant.

On May 23, 2024, the Community and Economic Development Director approved Extension of Approval No. EXT-24-4 granting a one-year extension of Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3.

APPLICATION ANALYSIS:

Project Description:

The submitted request is for a one-year extension of time for the previously approved Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3.

DISCUSSION:

Pursuant to Section 19.128.020(J)(3) of the City of Buena Park Zoning Ordinance allows the Planning Commission, or City Council on appeal, to grant Conditional Use Permit (CUP) extensions for up to one year if the earlier expiration of the CUP is found to present an undue hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare.

The applicant's request to extend the expiration date of the Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 by an additional one year does not change the existing restaurant's proposed operations, improvements, and the conditions of approval established through ENP-22-1 and CU-22-3 will remain in full effect.

After reviewing the applicant's request, staff visited the property and has determined that granting the CUP extension is appropriate pursuant to Section 19.128.020(J)(3) of the Zoning Code. As conditioned, this extension shall expire March 12, 2026, if construction as previously approved for the property has not commenced.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt, pursuant to Section 15301 (Existing Facilities) Class 1 of the State of California Environmental Quality Act (CEQA) Guidelines, because the proposal is for an extension of time to ENP-22-2 and Conditional Use Permit No. CU-22-3 by one (1) year and set the expiration date to March 12, 2026 for an existing restaurant.

Prepared by: Carlos Castellanos, Assistant Planner
Reviewed by: Ian McAleese, Senior Planner
Approved by: Harald Luna, Acting Planning Manager

Attachments

[1. PC Resolution for Extension of Approval No. EXT-25-1.pdf](#)

[2. Applicant's Letter of Request.pdf](#)

[3. Extension of Approval EXT-24-4.pdf](#)

[PC Resolution No. 6256 for Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3](#)

RESOLUTION NO.
EXTENSION OF APPROVAL EXT-25-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR PREVIOUSLY APPROVED EXTENSION OF NONCONFORMING PRIVILEGE NO. ENP-22-2 AND CONDITIONAL USE PERMIT NO. CU-22-3 FOR A REQUEST TO RESTORE OPERATION OF A WALK-UP WINDOW USE, ALONG WITH THE ADDITION OF A 231 SQUARE-FOOT COVERED PATIO, FAÇADE UPDATES, AND RELATED SITE IMPROVEMENTS FOR AN EXISTING 1,189 SQUARE-FOOT RESTAURANT LOCATED AT 6925 WESTERN AVENUE WITHIN THE ACSP (AUTO CENTER SPECIFIC PLAN) B-1 SUB-DISTRICT WITH A MIXED USE OVERLAY-45 ZONE

A. Recitals.

(i) The property owner, Deron Matsuoka, on behalf of Trico Trading Corporation, 6855 Western Avenue, Suite N, Buena Park, CA 90621, has filed an application for a one-year extension of time for Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 approving a request to restore operation of a walk-up window use, along with the addition of a 231 square-foot covered patio, façade update, and related onsite improvements for an existing 1,189 square-foot restaurant located at 6925 Western Avenue Buena Park, California (APN: 276-382-12), within the ACSP (Auto Center Specific Plan) B-1 Sub-District with a Mixed Use Overlay-45 in the County of Orange. Hereinafter in this Resolution, the subject request is referred to as the “application”.

(ii) On March 12, 2025, the Planning Commission conducted a hearing to consider the request for the requested one-year time extension by the project proponent for Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 and concluded said hearing prior to the adoption of this Resolution.

(iii) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Buena Park as follows:

1. The Commission hereby specifically finds that all the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during the above-referenced hearing, including written staff reports and applicant’s letter request for the extension stamped “RECEIVED FEBRUARY 13, 2025 PLANNING DIV.”, this Commission hereby specifically finds as follows:

a. The approving body, or City Council on appeal, may grant extensions of Conditional Use Permit expiration time periods for up to one year for each extension if the earlier expiration of the Conditional Use Permit is found to present an undue

hardship with respect to implementing the approved use and development of the property and such extension would not be materially detrimental to the public health, safety, and welfare. Approval of the extension request will not deleteriously affect or impact surrounding properties, as the site is currently developed with an existing 1,189 square-foot restaurant. The restoration of the operation of the walk-up window use, along with the addition of a 231 square-foot covered patio, façade update, and related site improvements will provide for efficient and constructive use of the property and contribute to a more attractive Western Avenue streetscape.

b. Prior to requesting the extension, the applicant made substantial progress toward obtaining required permits for construction of the development as approved.

c. The project will be constructed in compliance with applicable development requirements and consistent with the conditions required per the adopted Resolution No. 6256 approving Extension of Nonconforming Privilege No. ENP-22-2 Conditional Use Permit No. CU-22-3.

d. The project will contribute to site and area enhancement as originally approved.

3. The Planning Commission hereby finds and determines that the application, as identified above in this Resolution, is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), as amended, and the Guidelines promulgated thereunder pursuant to CEQA Section 15301 (Existing Facilities) Class 1 of Title 14 of the California Code of Regulations, because the proposal is for an extension of time to ENP-22-2 and Conditional Use Permit No. CU-22-3 by one (1) year and set the expiration date to March 12, 2026 for an existing restaurant.

4. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3 above, this Commission hereby approves the application subject to the previously approved plans stamped "RECEIVED AUGUST 29 2022 PLANNING DIV" as modified herein and the following reasonable conditions set forth in paragraph 5 of this Resolution.

5. The following conditions are deemed necessary to protect the public health, safety, and general welfare and are reasonable and proper in accordance with the purpose and intent of the Buena Park City Code:

PLANNING DIVISION:

1. All conditions of approval of Extension of Nonconforming Privilege ENP-22-2 and Conditional Use Permit CU-22-3 shall remain in full effect.
2. The construction authorized by the Site Plan Review shall be started within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

Resolution No.
Extension of Approval No. EXT-25-1
March 12, 2025

PASSED AND ADOPTED this 12th day of March 2025 by the following called vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

ABSTAIN: COMMISSIONER:

Mirvette Judeh
Chair

ATTEST:

Harald Luna
Acting Planning Manager

Resolution No.
Extension of Approval No. EXT-25-1
March 12, 2025

AFFIDAVIT OF ACCEPTANCE:

I/We do hereby accept all of the conditions contained in this document and all other conditions imposed by Extension of Approval No. EXT-25-1 and do agree that I/We shall conform with and abide by all such conditions.

Date: _____

Applicant's Signature

DRAFT



RECEIVED
FEB 13 2025
PLANNING DIV

February 11, 2025

Re: EXT-24-4 and EXT-24-5

City of Buena Park
6650 Beach Blvd.
Buena Park, CA 90622

Dear City of Buena Park Planning Department,

My name is Deron Matsuoka, and I am the Director for Trico Trading Corporation. I am writing to you today to request another extension for our original application for the remodeling of the building at 6925 Western Avenue. The project numbers assigned to this project are: CU-22-3 and ENP-22-2. I believe the Extension of Approval numbers corresponding to these projects are EXT-24-4 and Ext-24-5.

The architectural firm, Al Saito Design, has been working diligently to address all of the city's concerns. It was a long and difficult process, but this firm was able to secure approval from the OC Health Department. We were unable to resubmit until we had that approval. Additionally, the many updates that Saito Design needed to incorporate with the most recent submission, necessitated new professional engineering services. PBA Engineering was retained in September 2024 and completed their services so that Saito Design was able to re-submit in December 2024.

Mission Landscaping has obtained city approval for the landscaping updates. I am hopeful that our new architect can work successfully with your building and planning departments to address all of your issues.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "Deron Matsuoka".

Deron Matsuoka

Director, Trico Trading Corporation

May 23, 2024

Deron Matsuoka
6855 Western Avenue, Suite N
Buena Park, CA 90621

**Re: EXTENSION OF APPROVAL NO. EXT-24-4, TO EXTEND THE APPROVAL OF AN
EXTENSION OF NONCONFORMING PRIVILEGE NO. ENP-22-2 AND A
CONDITIONAL USE PERMIT NO. CU-22-3 FOR THE PROPERTY LOCATED AT 6925
WESTERN AVENUE**



To Deron Matsuoka:

Your request for an extension of approval to Planning Commission Resolution No. 6256, conditionally approving Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 to restore operations of a walk-up window use, along with the addition of a 231 square-foot covered patio, façade update, and related site improvements at an existing 1,189 square-foot restaurant located at 6925 Western Avenue within the CM (Commercial Manufacturing) Zone, has been approved by the Director of Community and Economic Development.

An extension of one year from the approval has been granted to enable you to proceed with the construction and other related site improvements. The new expiration date for Extension of Nonconforming Privilege ENP-22-2 and Conditional Use Permit No. CU-22-3 will be October 13, 2024.

If you have any questions, please contact our Associate Planner, Reina Schaetzel, at 714-562-3645 or at RSchaetzel@buenapark.com.

Sincerely,



Matt Foulkes
Director of Community and Economic Development

Attachments: Letter of Request
ENP-22-2 and CU-22-3 Conditions of Approval

CU-22-3Ext-24-4AP

April 29, 2024

Re: EXT-24-4 and EXT-24-5

City of Buena Park
6650 Beach Blvd.
Buena Park, CA 90622

Dear City of Buena Park Planning Department,

My name is Deron Matsuoka, and I am the Director for Trico Trading Corporation. I am writing to you today to request an extension for our original application for the remodeling of the building at 6925 Western Avenue. The project numbers assigned to this project are: CU-22-3 and ENP-22-2. I believe the Extension of Approval numbers corresponding to these projects are EXT-24-4 and Ext-24-5.

I apologize for the long delay between submissions. The original draftsman that we hired, Jerry Montoya, has been experiencing many health issues and has been unable to obtain Orange County Health Department Approval. Regretfully he was also unable to provide requested information to the OC Health Department for a response to the modernization. We have contracted with a new architectural firm, Al Saito Design, and they have been working on amending the drawings to meet the planning requirements and also obtain OC Health Department Approval. In the meantime we have hired Mission Landscaping to start work on the plans for the revitalization of this building. I am hopeful that our new architect can work successfully with your building and planning departments to address all of your issues.

Thank you for your consideration,



Deron Matsuoka
Director, Trico Trading Corporation

**RESOLUTION NO. 6256
EXTENSION OF NONCONFORMING PRIVILEGE NO. ENP-22-2
AND CONDITIONAL USE PERMIT NO. CU-22-3**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING AN EXTENSION OF NONCONFORMING PRIVILEGE AND A CONDITIONAL USE PERMIT TO RESTORE OPERATION OF A WALK-UP WINDOW USE, ALONG WITH THE ADDITION OF A 231 SQUARE FOOT COVERED PATIO, FAÇADE UPDATE, AND RELATED SITE IMPROVEMENTS FOR AN EXISTING 1,189 SQUARE FOOT RESTAURANT LOCATED AT 6925 WESTERN AVENUE (APN: 276-382-12) WITHIN THE COMMERCIAL GENERAL (CG) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

A. Recitals.

(i) Jerry Montoya, 3517 Deerford Street, Lakewood, CA 90712, and Deron Matsuoka, applicants, on behalf of Trico Trading Corporation, property owner of 6925 Western Avenue, Buena Park, CA 90621, have filed an application for issuance of Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 to restore a walk-up window with the addition of a 231 square-foot covered patio at an existing 1,189 square-foot restaurant within the CG Zone located at 6925 Western Avenue in Buena Park, California, in the County of Orange (APN: 276-382-12). Hereinafter in this Resolution, the subject Extension of Nonconforming Privilege and Conditional Use Permit request are referred to as the “application.”

(ii) On September 14, 2022, the Planning Commission continued a duly noticed public hearing to regularly scheduled Planning Commission meeting of September 28, 2022, to allow for re-notification of the proposed application.

(iii) On September 28, 2022, this Planning Commission conducted a duly noticed public hearing on the application and concluded said hearing prior to the adoption of this Resolution.

(iv) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Buena Park as follows:

1. The Commission hereby specifically finds that all the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during

the above-referenced hearing, including written staff reports, verbal testimony, and development plans stamped "RECEIVED AUGUST 29, 2022 PLANNING DIV.", for Conditional Use Permit No. CU-22-3, this Commission hereby specifically finds as follows:

- a. **Finding:** The proposed use and development is consistent with the General Plan and any applicable specific plans.

Fact: The subject property has a General Plan designation of Commercial; according to the General Plan, this land use category includes a wide range of general commercial land uses characterized by convenience, neighborhood, and community shopping centers, as well as restaurants and specialized food stores. The proposed project seeks to remodel and operate a restaurant with a walk-up window, which is consistent with the intent of the site's General Plan land use designation.

- b. **Finding:** The site is adequate in size, shape, topography, location, utilities and other factors, to accommodate the proposed use.

Fact: The subject site is developed with a stand-alone 1,198 square foot restaurant with a total of 17 parking spaces; 12 parking spaces are required. As conditioned under the accompanying Extension of Nonconforming Privilege No. 22-2 for the lot width and size requirements, the site is deemed adequate in size, shape, topography, and location to restore operations of the existing restaurant use. Additionally, the recording of the shared access agreement will ensure adequate access for the subject site.

- c. **Finding:** Adequate street access and traffic capacity are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area;

Fact: The site is located on Western Avenue, just north of Orangethorpe Avenue. Western Avenue is considered a Secondary Arterial in the City's Mobility Element, within the General Plan. A secondary arterial is a four-lane undivided (without a median) roadway with a typical right-of-way of 80 feet. As such, Western Avenue has enough capacity to serve new business that will be generated by the proposed restaurant remodel.

- d. **Finding:** Adequate utilities and public services will be available to serve the use as well as existing and anticipated development in the surrounding area.

Fact: The proposed restaurant remodel is located on an existing lot that has been adequately served by existing utilities and public services. As part of the approval, the Applicant has contacted EDCO and received a will-serve letter dated 7-25-2022 for a new trash enclosure that will house three containers for trash, recyclables and organic waste (attached). Therefore, there are adequate utilities and public services available for this use.

- e. **Finding:** The modifications will be consistent with the intended character of the area.

Fact: The proposed restaurant remodel will be located on an existing lot and near existing shopping centers where there are other restaurants. The newly remodeled façade and upgraded parking landscape at the vacant restaurant site will enhance the area with a clean and contemporary look. As such, the remodel and use of the existing restaurant will be compatible with the intended character of the area.

- f. **Finding:** Any criteria set forth elsewhere in this Title for the approval of the specific use and development will be satisfied.

Fact: Pursuant to Code Section 19.512.010, the approval of a Conditional Use Permit, by the Planning Commission, is required for commercial establishment with drive-in, drive-through and walk-up window service. As conditioned, the proposed restaurant remodel with a walk-up window and new patio cover will comply with these standards.

- g. **Finding:** Any adverse effects of the use and development are justified and fully balanced by offsetting benefits to the public interest.

Fact: Any adverse effects that may come from the use of a walk-up window are justified and fully balanced by offsetting benefits to the public interest in that the walk-up window will be only part of the means to serve food at the existing restaurant. The walk-up window will have limited hours of service and shall be conditioned to be closed no later than 11 p.m., so as to prevent loitering. Additionally, measures required for security lighting shall be implemented to prevent potentially adverse effects on the general public.

3. Based upon substantial evidence presented to this Commission during the above-referenced hearing, including written staff reports, verbal testimony, and application submitted for Extension of Nonconforming Privilege No. ENP. 22-2, this Commission hereby specifically finds as follows:

- a. **Finding:** Buena Park Municipal Code (BPMC) Section 19.132.020.D. To approve, in whole or in part, an extension, expansion, change, or early termination of a nonconformity privilege, it is found that balancing of the public interest and the vested interests of the owner(s) of the subject property requires deviation from the standard nonconformity regulations.

Fact: The subject lot was created with measurements of 75' width along Western Avenue and 150' depth along the interior, which does not meet the minimum requirements for lot width of 150' as required under current BPMC 19.552.070 for commercial establishments with a walk-up window. The lot was subsequently developed in 1964 with a stand-alone 1,198 square foot restaurant with a walk-up window. The lot and restaurant use with a walk-up window have continued to exist and operate with no adverse effect on the public. However, the restaurant closed in 2018 and the property owner now desires to remodel the vacant building and continue the walk-up window use. Continuation of this use on the nonconforming lot balances the public interest and owner interest by allowing the use to reopen and continue, which has had no adverse on the public.

- b. **Finding:** BPMC 19.132.020.E. Conditions shall be imposed upon any grant of an extension, expansion, or change in a nonconformity privilege in order to assure that an equitable balance of the public interest and the vested interests of the owner(s) of the subject property is maintained.

Fact: As conditioned, granting the ENP will require the Property Owner to record a shared access agreement between the subject lot and the lot to the north to guarantee vehicular access. This assures that the public interest is met by guaranteeing access while allowing the property owner to continue the walk-up window use on a nonconforming lot.

4. The Planning Commission hereby finds and determines that the project identified above in this Resolution, is Categorically Exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder pursuant to Class 1, Section 15301, Existing Facilities of Title 14 of the California Code of Regulations.

5. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3, above, this Commission hereby approves the application subject to the plans stamped "RECEIVED AUGUST 29 2022 PLANNING DIV." as modified herein and the following reasonable conditions set forth in paragraph 5 of this Resolution.

6. The following conditions are deemed necessary to protect the public health, safety, and general welfare and are reasonable and proper in accordance with the purpose and intent of the Buena Park Municipal Code:

PUBLIC WORKS:

1. New public improvements to include the following:
 - a. Remove an existing driveway approach which is not in compliance with the Americans with Disabilities Act along the Western Avenue frontage and construct a new 30 feet wide curb return type driveway approach per City Std. 213.
 - b. Planting and automatic irrigation system within the parkway landscaping area along the Western Avenue frontage shall be completed to the satisfaction of the City Engineer.
2. All utility connections, street improvements, and any other work performed in the public right-of-way will require a traffic control plan prepared per the City of Buena Park Public Works Department requirements. The cost of the design and implementation of the traffic control plans shall be borne by the project proponent.
3. All trash collection services needed during construction or after project completion shall be obtained from the City's authorized provider.
4. All fees, deposits and bonds associated with improvements required by the Public Works Department shall be paid prior to the issuance of permits for construction.
5. Before exercising any right or performing any obligation pursuant to any permit issued by the Public Works Department, the developer/contractor shall file with the City

required insurance certificates.

6. Prior to final release of the project by the Public Works Department, or the refund of any cash deposits, the developer/contractor shall provide the City with a warranty bond to be held by the City for the period of one (1) year, for all public facilities and improvements.
 - a. Prior to grant of occupancy by the City or commencement of the approved use, these conditions and all improvements required by the Public Works Department shall be completed to the satisfaction of the City Engineer.
7. The existing trash enclosure shall be modified to accommodate bins for organic, recycling, and trash per Senate Bill 1383. Also, developer shall contact the City's recycling company, EDCO, for approval of the trash enclosure location for service pickup.

FIRE AUTHORITY:

1. For new cooking equipment that produces grease laden vapors is added or modified, a plan for hood & duct (PR335) is required to be submitted to OCFA.

BUILDING DIVISION:

1. The project shall comply with state and federal disabled access requirements.
2. The project shall comply with the California Building Codes as adopted and amended by the City of Buena Park Municipal Code, Title 15.
3. The construction plans require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.

PLANNING DIVISION:

1. This approval shall be for an Extension of Nonconforming Privilege and a Conditional Use Permit to allow a walk-up window with the addition of a 231 square-foot covered patio at an existing restaurant with 17 onsite parking spaces located at 6925 Western Avenue, in substantial compliance with plans stamped "RECEIVED AUGUST 29, 2022 PLANNING DIV.", except as modified herein.
2. Plans submitted for plan check shall include elevations which depict architectural features generally consistent with the submitted conceptual plans stamped "RECEIVED AUGUST 29, 2022 PLANNING DIV." All construction drawings submitted for the development shall include sufficient construction details showing architectural accents, colors, details of construction, and techniques to ensure architectural compatibility throughout the development. Final details shall be approved by the Planning Division prior to issuance of building permits for the project. Final color and material samples shall be provided to the Planning Division with plan check submittals.

3. There shall be no outdoor seating in the patio area or within any other outdoor space, including parking stalls without prior Planning Division approval.
4. The walk-up window shall close at 11:00 p.m. daily.
5. Use of any public address systems at the exterior of the building, including the walk-up window shall comply with City's adopted Noise Ordinance at all times.
6. Litter shall be removed daily from the premises, including adjacent internal driveways and access ways, and from all parking areas under the control of the business operator.
7. The existing street oriented pole sign located within the front landscape setback shall be remodeled to match the design of the building, prior to occupancy of the building. All future signs, including any proposed wall signs, shall be in substantial compliance with the BPMC for signage. Separate Planning Division review and approval is required.
8. All outdoor trash storage bins shall be screened from view by block trash enclosures with overhead doors and personnel door. Such structures shall be designed, in coordination with the architectural design of the building including materials and coloration. The final design and placement shall be subject to review and approval by the Planning Division, Building Division, Fire Department and EDCO. Any change in access or design for the trash enclosure as shown on the plans "RECEIVED AUGUST 29, 2022 PLANNING DIV." shall require review and approval by the Planning Division, Building Division, Fire Department, and EDCO.
9. Installation of speed bumps shall not be permitted within required fire lanes, access drives, or driveways. It shall be the responsibility of the developer to submit to the Public Works Department such plans as are necessary to ensure the installation of any new curbs or walls that do not detrimentally affect drainage.
10. A shared access agreement between the subject property with the parcel to the north, in accordance with the State Subdivision Map Act and Title 18 of the Buena Park Municipal Code, is required prior to issuance of a building permit.
11. All parking areas and driveways shall be paved and striped as shown on the approved plan and in accordance with City Code. All landscaped areas shall be separated from adjacent vehicular areas by a masonry wall or Portland cement concrete (p.c.c.) curb a minimum of six inches in height, or by p.c.c. or masonry walkway.
12. One digital set of detailed landscaping/irrigation/sprinkler plans, with signed and stamped Certification of Landscape Design form shall be submitted to the Planning Division for plan check. A landscape Installation Certificate of Completion shall be submitted to the Planning Division prior to issuance of building permits. All landscaping/irrigation/sprinkler plans shall comply with the City of Buena Park Water Efficiency Landscape Ordinance, Title 13, Chapter 13.30 of the Buena Park Municipal Code. Trees of fifteen-gallon minimum size shall be included.
13. All lighting and illuminated signs shall be designed to prevent glare upon streets, walkways, and surrounding residential property. Lighting shall comply with applicable ordinance standards including required lighting level equivalent to one (1) foot candle

minimum illumination throughout the parking and circulation areas. All building lighting shall be decorative and consistent with the building design.

14. Any required new double check detector valve and backflow assemblies located within the public view shall be located below grade per Public Works Standard Plans 528B. Plans for these improvements shall be submitted to the Planning Division for review and approval prior to installation.
15. All required new utility services shall be underground. All required utility services and equipment, including transformers, gas meter, "J" boxes, and similar devices shall be located below grade or shall be screened from view by ornamental masonry walls. The placement and treatment of all screening devices shall be subject to review and approval of the Planning Division. In addition to said walls, landscaping may also be required as a solution for screening. A preliminary electrical equipment plan, which is prepared by the Southern California Edison Company, shall be reviewed and approved by the City Planning Division prior to the issuance of building permits. The applicant is required to return City approved red line prints to the Southern California Edison Company Planning Department, for preparation of final construction drawings. The location of other utility companies' appurtenances and meters shall be submitted to the City Planning Division for review and approval prior to installation.
16. No roof-mounted mechanical equipment shall be permitted unless such equipment is not visible from adjacent and surrounding properties and streets from height of five (5) feet above ground level. The installation and screening of air conditioning and similar equipment shall comply with existing design criteria and Section 19.544.020 of the City Code.
17. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first pages of construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
18. The applicant shall indemnify, defend and hold harmless City, its officers, agents, and employees from any and all claims and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of the use permitted hereby or the exercise of the rights granted herein, any and all claims, lawsuits or actions arising from the granting of or the exercise of the rights permitted by this Conditional Use Permit, and from any and all claims and losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of or connected with the performance of the use permitted hereby. Applicant's obligation to indemnify, defend, and hold harmless the City as stated hereinabove shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

Resolution No. 6256
Extension of Nonconforming Privilege No. ENP-22-2 and
Conditional Use Permit No. CU-22-3

PASSED AND ADOPTED this 28th day of September 2022 by the following called vote:

AYES: 5 COMMISSIONERS: Diep, Schoales, Eades, Sheibe,
and Desai

NOES: 0 COMMISSIONER:

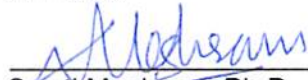
ABSENT: 1 COMMISSIONER: Lee

ABSTAIN: 1 COMMISSIONER: Fontanez



Pradip Desai
Chair

ATTEST:



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

Resolution No. 6256
Extension of Nonconforming Privilege No. ENP-22-2 and
Conditional Use Permit No. CU-22-3

AFFIDAVIT OF ACCEPTANCE:

I/We do hereby accept all of the conditions contained in this document and all other conditions imposed by Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 and do agree that I/We shall conform with and abide by all such conditions.



Owner Signature

Deron Matsuka

Owner Printed Name

10/20/2022

Date



Applicant Signature

Jerry Montoya

Applicant Printed Name

10/24/22

Date

ENP-22-2 and CU-22-3

Attachment 3

LANDSCAPING & C/PAVING TABULATION

TOTAL LANDSCAPING AREA	5,198.0 SF
TOTAL C/PAVED AREA	275.0 SF
TOTAL C/P. + L. AREA	5,473.0 SF

PROJECT ASSOCIATES

TECHNICAL	JOHN MANTONA 5157 ENCANTADO STREET LAURELHURST, CA 94043 562 331-4473
CHARTER	PAUL TRINIDAD COMMUNICATION 4015 WESTFORD AVE MILPITAS, CA 95031 714 441-7470
TECHNICAL	ALBERT G. GORDON 1408 W. HUNTER BLVD ALHAMBRA, CA 91801 (818) 289-8888
TECHNICAL	KEVIN MONTGOMERY (EMERGENCY) 8000 CAMPFORD AVE SUITE 40-1 CHINO, CA 91710 213 440-8678 EMail: kevin@kevinmontgomery.com

ALL WORK TO BE IN COMPLIANCE

2019 CALIFORNIA BUILDING CODE TITLE 24 PART 2
2019 CALIFORNIA PLUMBING CODE TITLE 24 PART 5
2019 CALIFORNIA ELECTRICAL CODE TITLE 24 PART 9
2019 CALIFORNIA MECHANICAL CODE TITLE 24 PART 6
2019 CALIFORNIA RESIDENTIAL CODE TITLE 24 PART 2.5
2019 CALIFORNIA GREEN BUILDING STANDARDS TITLE 24 PART 11
2019 CALIFORNIA ENERGY CODE TITLE 24 PART 4
CITY OF BUREN PARK HORIZONTAL CODE CHAPTER 15

SHEET INDEX

41	SITE PLAN
42	EXISTING FLOOR PLAN
43	NEW FLOOR PLAN & EQUIPMENT PLAN
44	EXTERIOR ELEVATIONS

MUNICIPAL NOTES

[illegible]

SCOPE OF WORK

- * NEW EXTERIOR FACADE REMODEL
- * NEW COMPLETE INTERIOR REMODEL
- * RE-STROPE PARKING LOT
- * ADD NEW COVERED PATIO ENTRY WAY
- * NEW WALK UP SERVICE WINDOW
- * NEW DRIVEWAY CURB CUT APPROACH

6925 WESTERN AVE. DATA

* OCCUPANCY	B
* CONSTRUCTION	TYPE V8
* SPRINKLER	NO
* STORY	ONE
* TENANT AREA	1189.0 SF
* NEW COVERED PORCH	232.0 SF
* LOT AREA	11,256.0 SF
* LANDSCAPE AREA	1233.0 SF
* ZONE	CM
* APN#	276-382-12
* BUILDING USE	6-STAUBAN

GENERAL NOTES

- [illegible]

WESTERN AVE.

SITE PLAN

PARKING TABULATION

- STANDARD STALL	10
- HATCHES	5
- TOTAL FARMER PROPERTIES	10
- 1^{st} 4 12 REQUIRED FARMER	17 SPECIAL PROPERTIES

LANDSCAPING TABULATION

TOTAL LANDSCAPE AREA		0.04
	DOMINANT TELECOM TOWERS	
	LARGE DIVERSITY PLANTS	
	DESERTS, SHRUBS, AND PL	
	DESERT COYOTE	

REVIEWS



DESIGN CHAIRING SERVICES

DEAN HARRISON
1417 SPRING ST.
SARASOTA, FL 34236
(813) 551-1111
FAX (813) 551-1111
WWW.DHARRISON.COM

NEW FACILITY SITE PLAN
TRICO TRADING CORP.
6925 WESTERN AVE.
BUENA PARK, CA 90621
714 522-7253

JMM
09-08-22
3/32" = 1'-0"
21-12
A1



DEMO SCOPE OF WORK:	
SYMBOL	DESCRIPTION
1	DEMOLISH BOTH RESTROOMS
2	DEMOLISH OVER-HANG AND PARAPET WALL
3	DEMOLISH CONCRETE CURB AND SERVICE COUNTER
4	DEMOLISH WALL
5	REMOVE SERVICE COUNTER

EXISTING FLOOR & DEMO PLAN ➡

REVISIONS	BY

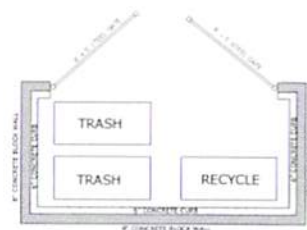
EXISTING FLOOR & DEMO PLAN
TRICO TRADING CORP.
6925 WESTERN AVE.
BUENA PARK, CA 90621
714 522-7253

DESIGN CHARTING SERVICES

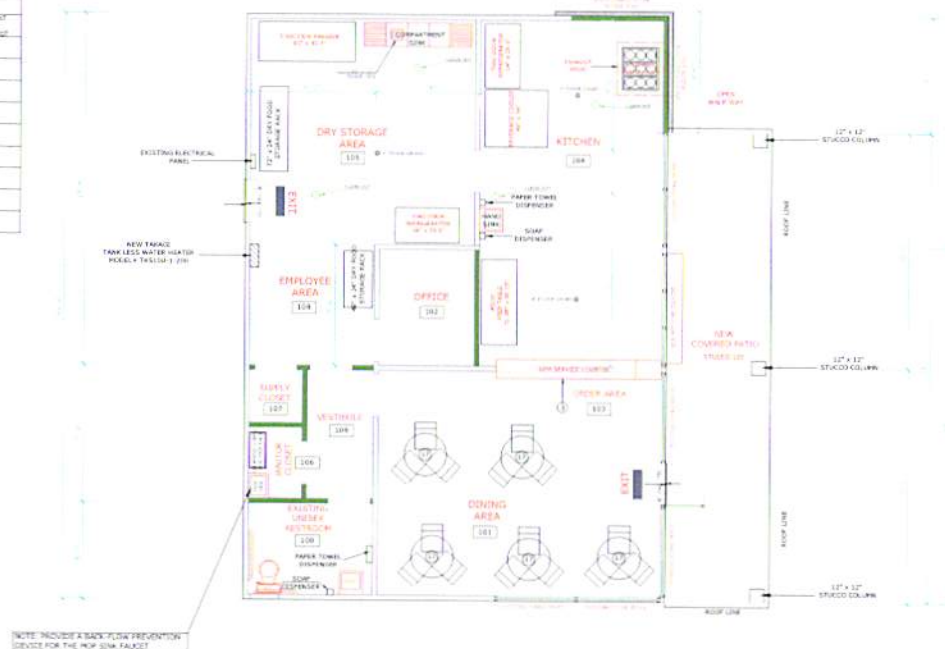
JMM
05-04-21
1/4" = 1'-0"
21-12
A2

Diagram illustrating door dimensions and hardware details:

- Overall width: 36"
- Overall height: 84"
- Door thickness: 1 3/4"
- Door weight: 55 LBS
- Hardware detail: A circular handle with a horizontal bar, labeled "NOTE: LEVER TYPE HARDWARE".
- Additional note: "NOTE: DOOR LESS THAN 5 LBS. FORCE TO OPEN".
- Section title: **DOOR DETAILS**



1 TRASH ENCLOSURE DETAILS



NEW FLOOR PLAN



NEW WALL
EXISTING WALL



REVISIONS	DATE



JERRY MONTGOMERY
 5517 OPRIMO AVE
 LAWRENCE, CA 94042
 562-547-9397
 FAX: 562-4575
 jerry.montgomery@earthlink.net

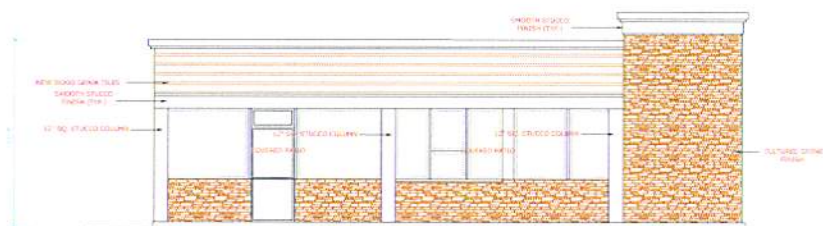
PAUL'S

NEW FLOOR PLAN
TRICO TRADING CORP.
6925 WESTERN AVE.
BUENA PARK, CA 90621
714 522-7253

1MM

05-05-22
1/4" = 1'-0"
21-12

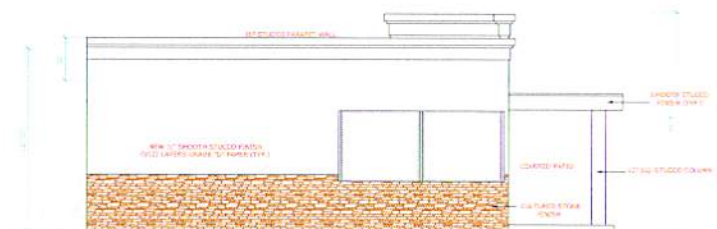
A3



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

REVISIONS: BY

PROJECT: EXTERIOR ELEVATIONS
CLIENT: TRICO TRADING CORP.
LOCATION: 6925 WESTERN AVE.,
BUENA PARK, CA 90621
DATE: 05-05-22

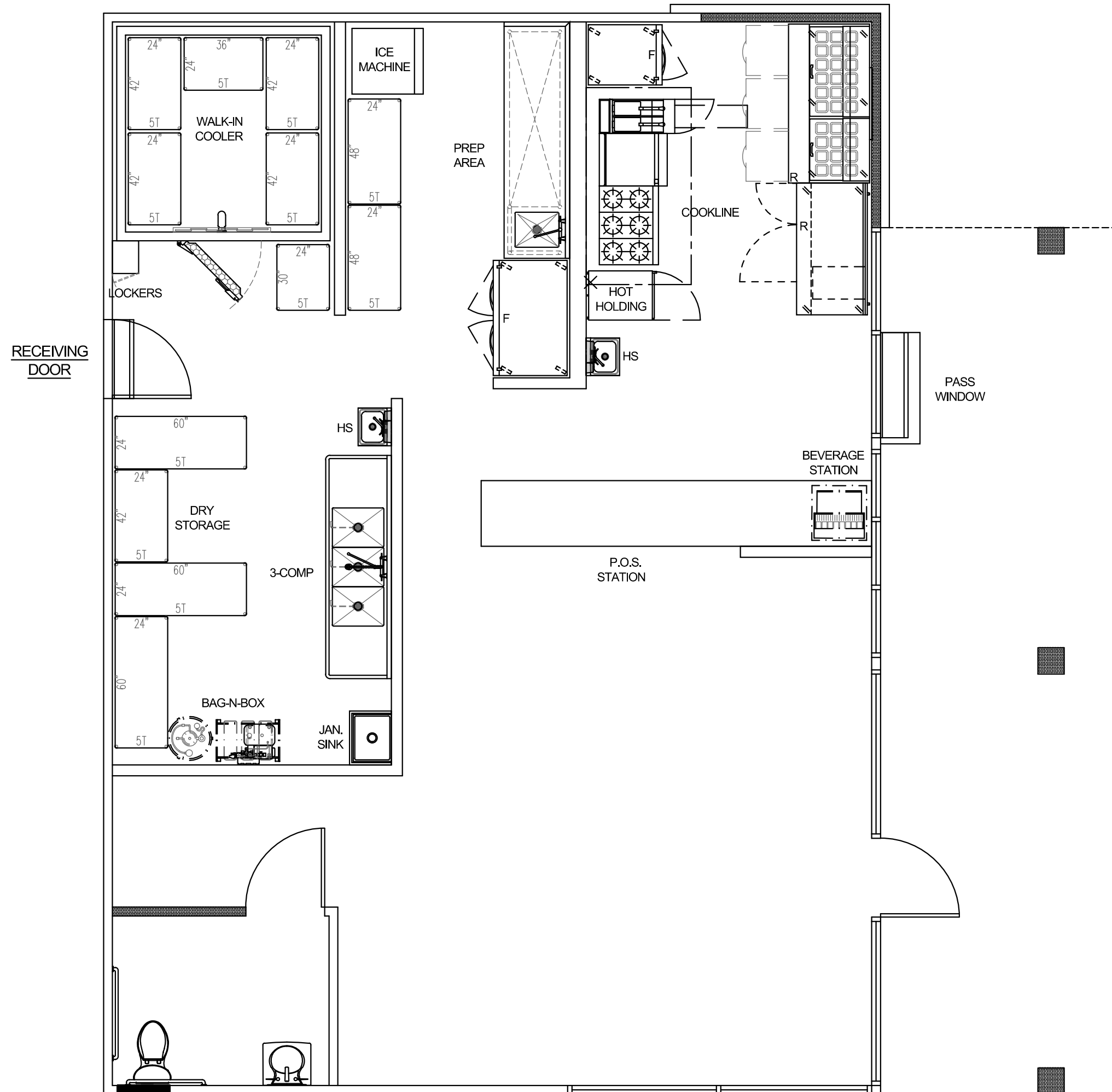
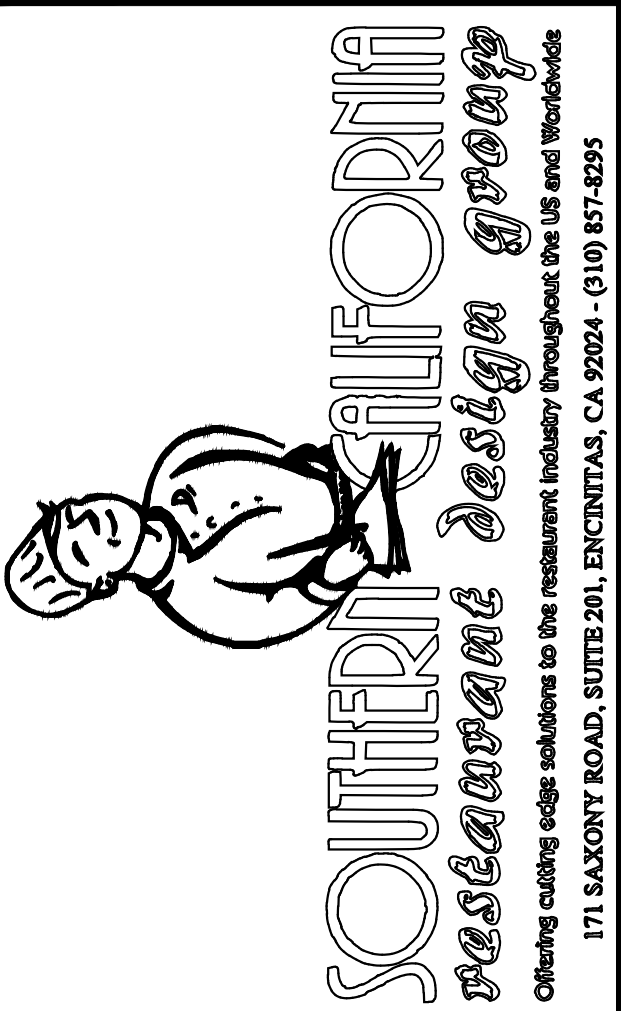
DESIGN: JMM
DRAWING: JMM
SERVICES: JMM



EXTERIOR ELEVATIONS
TRICO TRADING CORP.
6925 WESTERN AVE.,
BUENA PARK, CA 90621
714 522-7253

PROJECT: EXTERIOR ELEVATIONS
CLIENT: TRICO TRADING CORP.
LOCATION: 6925 WESTERN AVE.,
BUENA PARK, CA 90621
DATE: 05-05-22
SCALE: 1/4" = 1'-0"
SHEET: 21-12

A4

[illegible][illegible]

PROJECT NAME AND ADDRESS
MAGGIE'S TACOS

<u>PROJECT NUMBER:</u>	
<u>DATE:</u> 03/29/2024	
<u>SCALE:</u> 1/4" = 1'-0"	
<u>DRAWN BY:</u> -	<u>APPROVED BY:</u> SoCal Group

SHEET TITLE:

FOODSERVICE
EQUIPMENT PLAN

SHEET NUMBER:

K-1.0

EQUIPMENT PLAN NOTES	GENERAL CONTRACTOR NOTES
1. KITCHEN EQUIPMENT WILL BE PROVIDED & INSTALLED BY K.E.C. EXCEPT FOR THE ITEMS NOTED BELOW. 2. ALL FINAL UTILITY CONNECTIONS ARE TO BE MADE BY THE PLUMBING AND ELECTRICAL CONTRACTORS. 3. WALK-IN-BOX ASSEMBLY SYSTEM AND REFRIGERATION ARE INSTALLED BY THE OWNER. 4. ICE MACHINES AND REMOTE CONDENSERS ARE INSTALLED BY THE OWNER. K.E.C. WILL SUPPLY LINE SETS. 5. FLOOR TROUGHS ARE SUPPLIED BY K.E.C., INSTALLED BY PLUMBING CONTRACTOR. 6. ALL HOODS, FANS, AND MAKE UP AIR ARE SUPPLIED BY THE OWNER. INSTALLED BY G.C. 7. G.C. TO SUPPLY A LARGE TRASH CONTAINER WHEN EQUIPMENT IS DELIVERED AND INSTALLED.	1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ASSURING THAT THE KITCHEN EQUIPMENT CONTRACTOR, K.E.C., REVISIONS COPIES OF ALL ADDENDUM AND CHANGES TO BUILDING PLANS WHICH ARE MADE PRIOR TO AND DURING CONSTRUCTION. IF THIS INFORMATION IS NOT DELIVERED TO K.E.C. GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR ALL COSTS INCURRED BY THE FAILURE TO GIVE THE K.E.C. THIS INFORMATION. 2. K.E.C. PLANS ARE PROVIDED FOR THE SOLE PURPOSE OF INDICATING ROUGH-IN LOCATIONS AND EQUIPMENT REQUIREMENTS ONLY, AND DO NOT RELIEVE THE GENERAL CONTRACTOR AND SUB CONTRACTOR OF THE RESPONSIBILITY OF COMPLYING WITH ALL APPLICABLE CODES. 3. PROVISION SHOULD BE MADE TO "DOUBLE-STUD" AND/OR SOUND PROOF COMMON WALL BY GENERAL CONTRACTOR WHERE NOISY OR VIBRATION PRODUCING EQUIPMENT IS LOCATED ADJACENT TO DINING AREAS. 4. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL GENERAL CLEAN UP, DISPOSAL OF ALL TRASH, CARTONS, CRATES, DEBRIS, ETC. AFTER FINAL INSTALLATION OF ALL FIXTURES. 5. GENERAL CONTRACTOR TO CUT OR PROVIDE HOLES THROUGH CEILING, FLOORS AND WALLS FOR DUCTS, ETC. IN ACCORDANCE WITH DUCT SIZES SPECIFIED BY K.E.C. PLAN. GENERAL CONTRACTOR ALSO TO PROVIDE ALL DUCT FIRE SEPARATION ENCLOSURES, WRAPPINGS, ETC. AS MAY BE REQUIRED BY LOCAL BUILDING AND FIRE CODES. 6. SPRINKLER HEADS IN FREEZER BOXES WILL BE ADEQUATELY PROTECTED AGAINST FREEZING UP BY GENERAL CONTRACTOR. 7. THE GENERAL CONTRACTOR IS TO VERIFY ALL ROUGH-IN LOCATIONS BEFORE SLAB IS POURED, THE WALL AND CEILINGS ARE CLOSED, OR ANY OTHER WORK LIMITING ACCESS TO ROUGH-INS IS FINISHED. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO CONFIRM THE ACCURATE PLACEMENT OF ROUGH-INS AND COORDINATE PLACEMENT WITH ANY OTHER REQUIREMENTS OF SUB-TRADES.

**RESOLUTION NO. 6256
EXTENSION OF NONCONFORMING PRIVILEGE NO. ENP-22-2
AND CONDITIONAL USE PERMIT NO. CU-22-3**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING AN EXTENSION OF NONCONFORMING PRIVILEGE AND A CONDITIONAL USE PERMIT TO RESTORE OPERATION OF A WALK-UP WINDOW USE, ALONG WITH THE ADDITION OF A 231 SQUARE FOOT COVERED PATIO, FAÇADE UPDATE, AND RELATED SITE IMPROVEMENTS FOR AN EXISTING 1,189 SQUARE FOOT RESTAURANT LOCATED AT 6925 WESTERN AVENUE (APN: 276-382-12) WITHIN THE COMMERCIAL GENERAL (CG) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

A. Recitals.

(i) Jerry Montoya, 3517 Deerford Street, Lakewood, CA 90712, and Deron Matsuoka, applicants, on behalf of Trico Trading Corporation, property owner of 6925 Western Avenue, Buena Park, CA 90621, have filed an application for issuance of Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 to restore a walk-up window with the addition of a 231 square-foot covered patio at an existing 1,189 square-foot restaurant within the CG Zone located at 6925 Western Avenue in Buena Park, California, in the County of Orange (APN: 276-382-12). Hereinafter in this Resolution, the subject Extension of Nonconforming Privilege and Conditional Use Permit request are referred to as the “application.”

(ii) On September 14, 2022, the Planning Commission continued a duly noticed public hearing to regularly scheduled Planning Commission meeting of September 28, 2022, to allow for re-notification of the proposed application.

(iii) On September 28, 2022, this Planning Commission conducted a duly noticed public hearing on the application and concluded said hearing prior to the adoption of this Resolution.

(iv) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Buena Park as follows:

1. The Commission hereby specifically finds that all the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during

the above-referenced hearing, including written staff reports, verbal testimony, and development plans stamped "RECEIVED AUGUST 29, 2022 PLANNING DIV.", for Conditional Use Permit No. CU-22-3, this Commission hereby specifically finds as follows:

- a. **Finding:** The proposed use and development is consistent with the General Plan and any applicable specific plans.

Fact: The subject property has a General Plan designation of Commercial; according to the General Plan, this land use category includes a wide range of general commercial land uses characterized by convenience, neighborhood, and community shopping centers, as well as restaurants and specialized food stores. The proposed project seeks to remodel and operate a restaurant with a walk-up window, which is consistent with the intent of the site's General Plan land use designation.

- b. **Finding:** The site is adequate in size, shape, topography, location, utilities and other factors, to accommodate the proposed use.

Fact: The subject site is developed with a stand-alone 1,198 square foot restaurant with a total of 17 parking spaces; 12 parking spaces are required. As conditioned under the accompanying Extension of Nonconforming Privilege No. 22-2 for the lot width and size requirements, the site is deemed adequate in size, shape, topography, and location to restore operations of the existing restaurant use. Additionally, the recording of the shared access agreement will ensure adequate access for the subject site.

- c. **Finding:** Adequate street access and traffic capacity are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area;

Fact: The site is located on Western Avenue, just north of Orangethorpe Avenue. Western Avenue is considered a Secondary Arterial in the City's Mobility Element, within the General Plan. A secondary arterial is a four-lane undivided (without a median) roadway with a typical right-of-way of 80 feet. As such, Western Avenue has enough capacity to serve new business that will be generated by the proposed restaurant remodel.

- d. **Finding:** Adequate utilities and public services will be available to serve the use as well as existing and anticipated development in the surrounding area.

Fact: The proposed restaurant remodel is located on an existing lot that has been adequately served by existing utilities and public services. As part of the approval, the Applicant has contacted EDCO and received a will-serve letter dated 7-25-2022 for a new trash enclosure that will house three containers for trash, recyclables and organic waste (attached). Therefore, there are adequate utilities and public services available for this use.

- e. **Finding:** The modifications will be consistent with the intended character of the area.

Fact: The proposed restaurant remodel will be located on an existing lot and near existing shopping centers where there are other restaurants. The newly remodeled façade and upgraded parking landscape at the vacant restaurant site will enhance the area with a clean and contemporary look. As such, the remodel and use of the existing restaurant will be compatible with the intended character of the area.

- f. **Finding:** Any criteria set forth elsewhere in this Title for the approval of the specific use and development will be satisfied.

Fact: Pursuant to Code Section 19.512.010, the approval of a Conditional Use Permit, by the Planning Commission, is required for commercial establishment with drive-in, drive-through and walk-up window service. As conditioned, the proposed restaurant remodel with a walk-up window and new patio cover will comply with these standards.

- g. **Finding:** Any adverse effects of the use and development are justified and fully balanced by offsetting benefits to the public interest.

Fact: Any adverse effects that may come from the use of a walk-up window are justified and fully balanced by offsetting benefits to the public interest in that the walk-up window will be only part of the means to serve food at the existing restaurant. The walk-up window will have limited hours of service and shall be conditioned to be closed no later than 11 p.m., so as to prevent loitering. Additionally, measures required for security lighting shall be implemented to prevent potentially adverse effects on the general public.

3. Based upon substantial evidence presented to this Commission during the above-referenced hearing, including written staff reports, verbal testimony, and application submitted for Extension of Nonconforming Privilege No. ENP. 22-2, this Commission hereby specifically finds as follows:

- a. **Finding:** Buena Park Municipal Code (BPMC) Section 19.132.020.D. To approve, in whole or in part, an extension, expansion, change, or early termination of a nonconformity privilege, it is found that balancing of the public interest and the vested interests of the owner(s) of the subject property requires deviation from the standard nonconformity regulations.

Fact: The subject lot was created with measurements of 75' width along Western Avenue and 150' depth along the interior, which does not meet the minimum requirements for lot width of 150' as required under current BPMC 19.552.070 for commercial establishments with a walk-up window. The lot was subsequently developed in 1964 with a stand-alone 1,198 square foot restaurant with a walk-up window. The lot and restaurant use with a walk-up window have continued to exist and operate with no adverse effect on the public. However, the restaurant closed in 2018 and the property owner now desires to remodel the vacant building and continue the walk-up window use. Continuation of this use on the nonconforming lot balances the public interest and owner interest by allowing the use to reopen and continue, which has had no adverse on the public.

- b. **Finding:** BPMC 19.132.020.E. Conditions shall be imposed upon any grant of an extension, expansion, or change in a nonconformity privilege in order to assure that an equitable balance of the public interest and the vested interests of the owner(s) of the subject property is maintained.

Fact: As conditioned, granting the ENP will require the Property Owner to record a shared access agreement between the subject lot and the lot to the north to guarantee vehicular access. This assures that the public interest is met by guaranteeing access while allowing the property owner to continue the walk-up window use on a nonconforming lot.

4. The Planning Commission hereby finds and determines that the project identified above in this Resolution, is Categorically Exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder pursuant to Class 1, Section 15301, Existing Facilities of Title 14 of the California Code of Regulations.

5. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3, above, this Commission hereby approves the application subject to the plans stamped "RECEIVED AUGUST 29 2022 PLANNING DIV." as modified herein and the following reasonable conditions set forth in paragraph 5 of this Resolution.

6. The following conditions are deemed necessary to protect the public health, safety, and general welfare and are reasonable and proper in accordance with the purpose and intent of the Buena Park Municipal Code:

PUBLIC WORKS:

1. New public improvements to include the following:
 - a. Remove an existing driveway approach which is not in compliance with the Americans with Disabilities Act along the Western Avenue frontage and construct a new 30 feet wide curb return type driveway approach per City Std. 213.
 - b. Planting and automatic irrigation system within the parkway landscaping area along the Western Avenue frontage shall be completed to the satisfaction of the City Engineer.
2. All utility connections, street improvements, and any other work performed in the public right-of-way will require a traffic control plan prepared per the City of Buena Park Public Works Department requirements. The cost of the design and implementation of the traffic control plans shall be borne by the project proponent.
3. All trash collection services needed during construction or after project completion shall be obtained from the City's authorized provider.
4. All fees, deposits and bonds associated with improvements required by the Public Works Department shall be paid prior to the issuance of permits for construction.
5. Before exercising any right or performing any obligation pursuant to any permit issued by the Public Works Department, the developer/contractor shall file with the City

required insurance certificates.

6. Prior to final release of the project by the Public Works Department, or the refund of any cash deposits, the developer/contractor shall provide the City with a warranty bond to be held by the City for the period of one (1) year, for all public facilities and improvements.
 - a. Prior to grant of occupancy by the City or commencement of the approved use, these conditions and all improvements required by the Public Works Department shall be completed to the satisfaction of the City Engineer.
7. The existing trash enclosure shall be modified to accommodate bins for organic, recycling, and trash per Senate Bill 1383. Also, developer shall contact the City's recycling company, EDCO, for approval of the trash enclosure location for service pickup.

FIRE AUTHORITY:

1. For new cooking equipment that produces grease laden vapors is added or modified, a plan for hood & duct (PR335) is required to be submitted to OCFA.

BUILDING DIVISION:

1. The project shall comply with state and federal disabled access requirements.
2. The project shall comply with the California Building Codes as adopted and amended by the City of Buena Park Municipal Code, Title 15.
3. The construction plans require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.

PLANNING DIVISION:

1. This approval shall be for an Extension of Nonconforming Privilege and a Conditional Use Permit to allow a walk-up window with the addition of a 231 square-foot covered patio at an existing restaurant with 17 onsite parking spaces located at 6925 Western Avenue, in substantial compliance with plans stamped "RECEIVED AUGUST 29, 2022 PLANNING DIV.", except as modified herein.
2. Plans submitted for plan check shall include elevations which depict architectural features generally consistent with the submitted conceptual plans stamped "RECEIVED AUGUST 29, 2022 PLANNING DIV." All construction drawings submitted for the development shall include sufficient construction details showing architectural accents, colors, details of construction, and techniques to ensure architectural compatibility throughout the development. Final details shall be approved by the Planning Division prior to issuance of building permits for the project. Final color and material samples shall be provided to the Planning Division with plan check submittals.

3. There shall be no outdoor seating in the patio area or within any other outdoor space, including parking stalls without prior Planning Division approval.
4. The walk-up window shall close at 11:00 p.m. daily.
5. Use of any public address systems at the exterior of the building, including the walk-up window shall comply with City's adopted Noise Ordinance at all times.
6. Litter shall be removed daily from the premises, including adjacent internal driveways and access ways, and from all parking areas under the control of the business operator.
7. The existing street oriented pole sign located within the front landscape setback shall be remodeled to match the design of the building, prior to occupancy of the building. All future signs, including any proposed wall signs, shall be in substantial compliance with the BPMC for signage. Separate Planning Division review and approval is required.
8. All outdoor trash storage bins shall be screened from view by block trash enclosures with overhead doors and personnel door. Such structures shall be designed, in coordination with the architectural design of the building including materials and coloration. The final design and placement shall be subject to review and approval by the Planning Division, Building Division, Fire Department and EDCO. Any change in access or design for the trash enclosure as shown on the plans "RECEIVED AUGUST 29, 2022 PLANNING DIV." shall require review and approval by the Planning Division, Building Division, Fire Department, and EDCO.
9. Installation of speed bumps shall not be permitted within required fire lanes, access drives, or driveways. It shall be the responsibility of the developer to submit to the Public Works Department such plans as are necessary to ensure the installation of any new curbs or walls that do not detrimentally affect drainage.
10. A shared access agreement between the subject property with the parcel to the north, in accordance with the State Subdivision Map Act and Title 18 of the Buena Park Municipal Code, is required prior to issuance of a building permit.
11. All parking areas and driveways shall be paved and striped as shown on the approved plan and in accordance with City Code. All landscaped areas shall be separated from adjacent vehicular areas by a masonry wall or Portland cement concrete (p.c.c.) curb a minimum of six inches in height, or by p.c.c. or masonry walkway.
12. One digital set of detailed landscaping/irrigation/sprinkler plans, with signed and stamped Certification of Landscape Design form shall be submitted to the Planning Division for plan check. A landscape Installation Certificate of Completion shall be submitted to the Planning Division prior to issuance of building permits. All landscaping/irrigation/sprinkler plans shall comply with the City of Buena Park Water Efficiency Landscape Ordinance, Title 13, Chapter 13.30 of the Buena Park Municipal Code. Trees of fifteen-gallon minimum size shall be included.
13. All lighting and illuminated signs shall be designed to prevent glare upon streets, walkways, and surrounding residential property. Lighting shall comply with applicable ordinance standards including required lighting level equivalent to one (1) foot candle

minimum illumination throughout the parking and circulation areas. All building lighting shall be decorative and consistent with the building design.

14. Any required new double check detector valve and backflow assemblies located within the public view shall be located below grade per Public Works Standard Plans 528B. Plans for these improvements shall be submitted to the Planning Division for review and approval prior to installation.
15. All required new utility services shall be underground. All required utility services and equipment, including transformers, gas meter, "J" boxes, and similar devices shall be located below grade or shall be screened from view by ornamental masonry walls. The placement and treatment of all screening devices shall be subject to review and approval of the Planning Division. In addition to said walls, landscaping may also be required as a solution for screening. A preliminary electrical equipment plan, which is prepared by the Southern California Edison Company, shall be reviewed and approved by the City Planning Division prior to the issuance of building permits. The applicant is required to return City approved red line prints to the Southern California Edison Company Planning Department, for preparation of final construction drawings. The location of other utility companies' appurtenances and meters shall be submitted to the City Planning Division for review and approval prior to installation.
16. No roof-mounted mechanical equipment shall be permitted unless such equipment is not visible from adjacent and surrounding properties and streets from height of five (5) feet above ground level. The installation and screening of air conditioning and similar equipment shall comply with existing design criteria and Section 19.544.020 of the City Code.
17. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first pages of construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
18. The applicant shall indemnify, defend and hold harmless City, its officers, agents, and employees from any and all claims and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of the use permitted hereby or the exercise of the rights granted herein, any and all claims, lawsuits or actions arising from the granting of or the exercise of the rights permitted by this Conditional Use Permit, and from any and all claims and losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of or connected with the performance of the use permitted hereby. Applicant's obligation to indemnify, defend, and hold harmless the City as stated hereinabove shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

Resolution No. 6256
Extension of Nonconforming Privilege No. ENP-22-2 and
Conditional Use Permit No. CU-22-3

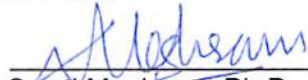
PASSED AND ADOPTED this 28th day of September 2022 by the following called vote:

AYES:	5	COMMISSIONERS:	Diep, Schoales, Eades, Sheibe, and Desai
NOES:	0	COMMISSIONER:	
ABSENT:	1	COMMISSIONER:	Lee
ABSTAIN:	1	COMMISSIONER:	Fontanez



Pradip Desai
Chair

ATTEST:



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

Resolution No. 6256
Extension of Nonconforming Privilege No. ENP-22-2 and
Conditional Use Permit No. CU-22-3

AFFIDAVIT OF ACCEPTANCE:

I/We do hereby accept all of the conditions contained in this document and all other conditions imposed by Extension of Nonconforming Privilege No. ENP-22-2 and Conditional Use Permit No. CU-22-3 and do agree that I/We shall conform with and abide by all such conditions.



Owner Signature

Deron Matsuka

Owner Printed Name

10/20/2022

Date



Applicant Signature

Jerry Montoya

Applicant Printed Name

10/24/22

Date

ENP-22-2 and CU-22-3

RECEIVED
AUG 29 2022
PLANNING DIV

CU-22-3

Attachment 3

SITE PLAN

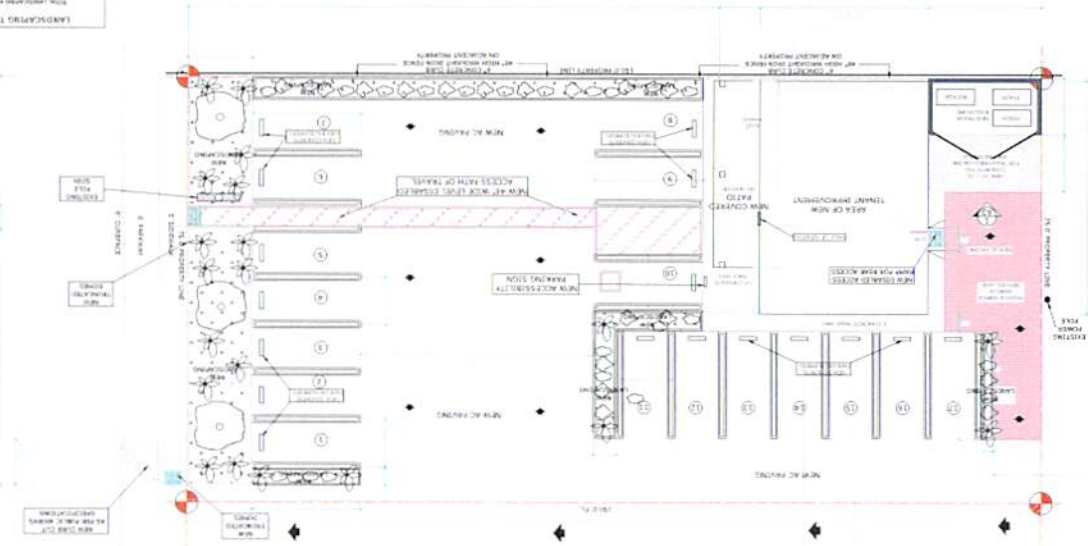
PARKING TABULATION	
TOTAL # OF REQUIRED PARKING	17
TOTAL AVAILABLE	17
TOTAL REQUIRED	17
TOTAL AVAILABLE	17
TOTAL REQUIRED	17

LANDSCAPING TABULATION	
LANDSCAPING AREA	17
LANDSCAPING AREA	17
LANDSCAPING AREA	17
LANDSCAPING AREA	17
LANDSCAPING AREA	17

VICINITY MAP



WESTERN AVE.



GENERAL NOTES	
1.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
3.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
4.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
5.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.

6925 WESTERN AVE. DATA	
1.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
3.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
4.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
5.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.

SCOPE OF WORK	
1.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
3.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
4.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
5.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.

MUNICIPAL NOTES	
1.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
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5.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.

SHEET INDEX	
1.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
3.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
4.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
5.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.

PROJECT ASSOCIATES	
1.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
3.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
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5.	THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.

LANDSCAPING AND PARKING TABULATION	
TOTAL # OF REQUIRED PARKING	17
TOTAL AVAILABLE	17
TOTAL REQUIRED	17
TOTAL AVAILABLE	17
TOTAL REQUIRED	17

A1

21-12
09-08-22
JMM

NEW FACILITY SITE PLAN
TRICO TRADING CORP.
6925 WESTERN AVE.
BUENA PARK, CA 90621
714 522-7253



DESIGN
DRAWING
NOTES

REVISIONS

DEMO SCOPE OF WORK:	
SYMBOL	DESCRIPTION
1	DEMOLITION OF EXISTING WALL
2	DEMOLITION OF EXISTING WALL
3	DEMOLITION OF EXISTING WALL
4	DEMOLITION OF EXISTING WALL
5	DEMOLITION OF EXISTING WALL



EXISTING FLOOR & DEMO PLAN

DEMO WALL
EXISTING WALL

A2

05-04-21
1/4" = 1'-0"
21-12

EXISTING FLOOR & DEMO PLAN
TRICO TRADING CORP.
6925 WESTERN AVE.
BUENA PARK, CA 90621
714 522-7253



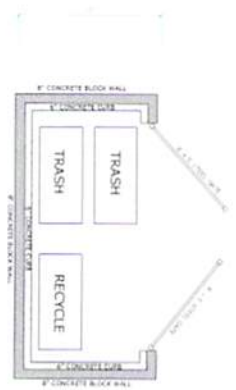
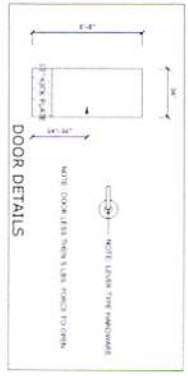
DESIGN DRAFTING SERVICES

GRAPHIC PRESENTATION
AND CONSTRUCTION
DOCUMENTS
FOR THE
PROJECT
1/4" = 1'-0"
21-12

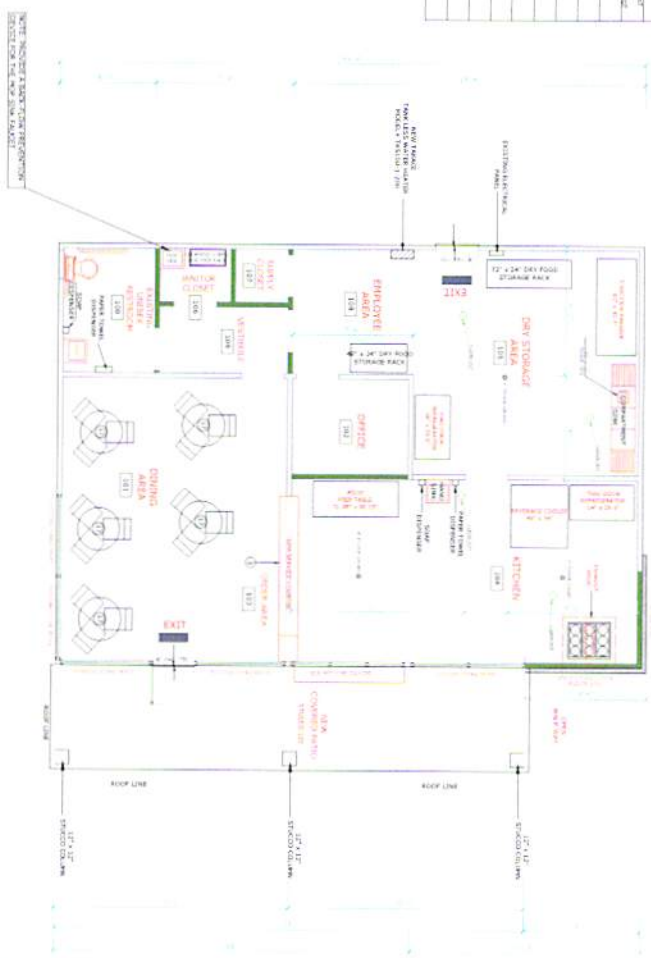
REVISIONS

BY

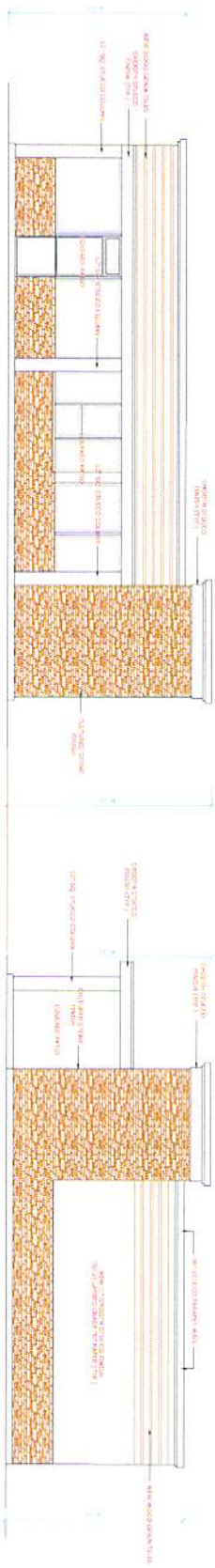
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101	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
102	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
103	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
104	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
105	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
106	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
107	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
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113	RECEPTION	4" FLOOR	NORTH EAST WEST	1" NO CLAY TILE	PAINTED CONCRETE	WOOD	8'-0"	4" FLOOR
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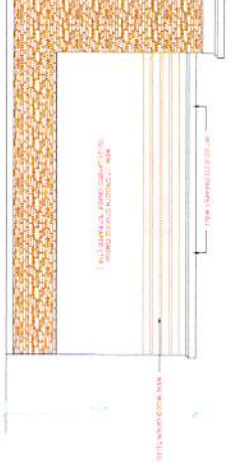
1 TRASH ENCLOSURE DETAILS



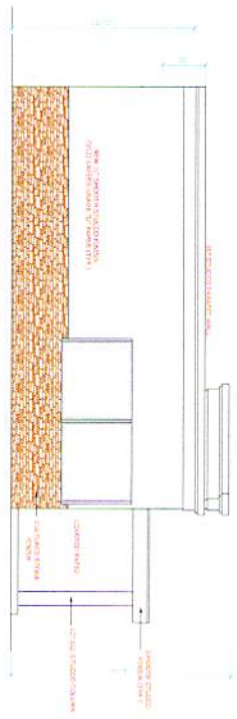
NEW FLOOR PLAN NEW WALL EXISTING WALL



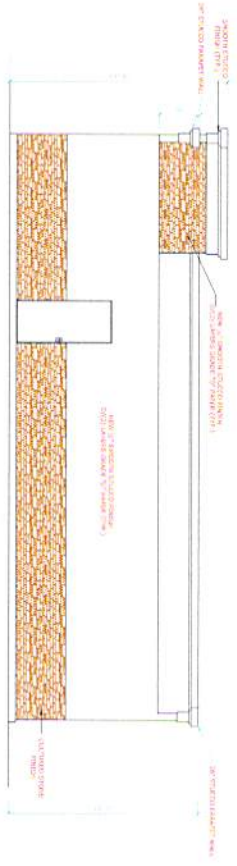
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

REVISIONS: BY

OWNER: PROJECT NO. 17
 17-000000-01
 17-000000-01
 17-000000-01
 17-000000-01



DESIGN DRAFTING SERVICES

EXTERIOR ELEVATIONS
 TRICO TRADING CORP.
 6925 WESTERN AVE.
 BUENA PARK, CA 90621
 714 522-7253

JMM
 05-05-22
 1/4" = 1'-0"
 21-12
A4

C. TERMINATION OF NONCONFORMING USE

A request to consider whether to initiate such proceedings and schedule a future public hearing pursuant to Section 19.132.020 of the Buena Park Municipal Code, at which the Planning Commission would hear all evidence submitted and consider whether to terminate the nonconforming use operating on the property and/or declare a public nuisance at the property 7891 Whitaker Street.

The property owner is Patel Balubhai Gopal, The Coral Motel, 7891 Whitaker Street, Buena Park, CA 90621.

The project is Categorically Exempt, pursuant to Section 15301 (Existing Facilities) Class 1 of the State California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDED ACTION: Initiate proceedings and schedule a public hearing for April 23, 2025 pursuant to Section 19.132.020 of the Buena Park Municipal Code (BPMC) to consider whether to terminate the nonconforming use operating on the property and/or declare a public nuisance.

Meeting	Agenda Group
Wednesday, March 12, 2025, 6:30 PM	CONSENT CALENDAR Item: 4C.
Prepared By	Presented By
Matt Foulkes, Director of Community and Economic Development	Matt Foulkes, Director of Community and Economic Development

PROPERTY INFORMATION:

The approximately 1.05-acre property is located on the north side of Whitaker Street east of Auto Center Drive. The property has a General Plan Land Use designation of Commercial and a zoning classification of ACSP (Auto Center Specific Plan) A-2 Sub-District with a Mixed Use Overlay - 60. The property is currently developed with a 47-room motel (The Coral Motel).

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Low Density Residential	RS-6 (One-Family Residential)	Single-Family Dwellings
South	Commercial	ACSP (Auto Center Specific Plan) A-2 Sub-District with a Mixed Use Overlay - 60	Hotel
East	Commercial	ACSP (Auto Center Specific Plan) A-2 Sub-District with a Mixed Use Overlay - 60	Commercial use

West	Commercial	ACSP (Auto Center Specific Plan) A-2 Sub-District with a Mixed Use Overlay - 60	Commercial use
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DISCUSSION:

Termination of a Nonconforming Use:

The Auto Center Specific Plan (ACSP) was adopted in 1997. The ACSP is divided into several sub-districts (A-1, A-2, A-3, A-4, B-1 and B-2). Within each of these sub-districts, there are specified permitted and conditionally permitted uses. The property at 7891 Whitaker Street is located within sub-district A-2 which allows a variety of auto-related uses as well as full-service hotel, motel, and restaurant uses subject to a conditional use permit. The Coral Motel was constructed in the early 1950's, pre-dating City incorporation and adoption of the ACSP, which required a Conditional Use Permit for a full-service hotel, motel. Pursuant to Section 19.204.100 of the BPMC, non-residential buildings designed or intended only for uses which are nonconforming shall be removed or the design and use thereof made conforming in all respects within 25 years. The 25-year term for nonconformance of the motel use ended in 2022.

Pursuant to BPMC Section 19.132.020, the Planning Commission may initiate proceedings to formally terminate the nonconforming motel use at this location. The criteria on which the Planning Commission will base its determination is specified in Section 19.132.020 and is whether the termination of the nonconforming use appropriately balances the public interest served by terminating the use and any vested interest in the property owner in continuing the use. The Planning Commission's decision is final unless it is appealed to the City Council.

ENVIRONMENTAL ASSESSMENT:

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the City has determined that the action to initiate a future public hearing is Categorically Exempt, pursuant to Section 15301 (Existing Facilities) Class 1 of the State CEQA Guidelines.

PUBLIC HEARING NOTICE:

Notice of this meeting was sent to the property owner of record via certified mail on February 27, 2025 in compliance with Section 19.132.030.C of the Buena Park Municipal Code.

Prepared and Approved By: Matt Foulkes, Community and Economic Development Director

Attachments

[7891 Whitaker - Draft Resolution to Initiate a public Hearing to Terminate a Non-Conforming Use.pdf](#)

RESOLUTION NO.
INITIATING THE TERMINATION OF A NONCONFORMING USE

A RESOLUTION OF THE PLANNING COMMISSION OF BUENA PARK INITIATING AND SCHEDULING A PUBLIC HEARING TO TERMINATE A NONCONFORMING MOTEL USE AT 7891 WHITAKER STREET (APN: 277-052-27) WITHIN THE ACSP (AUTO CENTER SPECIFIC PLAN) A-2 SUB-DISTRICT AND MIXED USE OVERLAY-60 ZONING PURSUANT TO THE BUENA PARK MUNICIPAL CODE SECTION 19.132.020

The Planning Commission of the City of Buena Park hereby resolves as follows:

Pursuant to Buena Park Municipal Code Section 19.132.020.B, the Planning Commission hereby declares its intent and orders the initiation of a public hearing to consider the termination of a nonconforming motel use at 7891 Whitaker Street (APN: 277-052-27) and schedule a public hearing for final action on April 23, 2025.

The Planning Commission Secretary shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 12th day of March 2025 by the following called vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

ABSTAINED: COMMISSIONER:

Monique Davis
Chair

ATTEST:

Harald Luna
Acting Planning Manager



A. COMMUNITY MEETING FOR THE LAND USE AND COMMUNITY DESIGN ELEMENT AND RESIDENTIAL ZONING CODE UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT NO. EIR-25-1

Meeting	Agenda Group
Wednesday, March 12, 2025, 6:30 PM	NEW BUSINESS Item: 5A.
Prepared By	
Matt Foulkes, Director of Community and Economic Development	

PROPERTY INFORMATION:

start typing here...

Add address, Apns, and a description of the physical location and features of the subject site. If there are any existing structures on the property, include description of those as well.

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North			
South			
East			
West			

BACKGROUND:

DATE	ACTION/ENTITLEMENT

APPLICATION ANALYSIS:

Project Description

start typing here...

Floor Plan

start typing here...

Access/Site Design/Parking

start typing here...

Landscaping/Fencing

start typing here...

Architecture

start typing here...

DISCUSSION:

start typing here...

ENVIRONMENTAL ASSESSMENT:

start typing here...

PUBLIC HEARING NOTICE:

start typing here...

Reviewed By:

Approved By: