

CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
March 8, 2017

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on March 8, 2017, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Schoales presiding.

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

Joel W. Rosen, AICP, Director of Community Development  
Jay Saltzberg, Planning Manager  
Brady M. Woods, Senior Planner  
Tiffany Lin, Assistant Planner  
Iris Lee, Assistant City Engineer  
Ruth Santos, Senior Administrative Assistant

**1. APPROVAL OF MINUTES** Meeting of February 22, 2017

RECOMMENDED ACTION: Approve

Commissioner Barstow moved and Commissioner Chung seconded the motion to approve the minutes.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**PUBLIC HEARING:**

**NEW BUSINESS:**

**2. CONDITIONAL USE PERMIT NO. CU16-012**

A request to establish the sale of beer and wine for on-site consumption at an existing restaurant located at 7550 Orangethorpe Avenue, Suite E-100 within the ECSP (Entertainment Corridor Specific Plan) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Shin Sung LLC  
1 Mansfield Drive  
Irvine, CA 92620.

APPLICANT: Kyung K. Lee  
10655 Gascoigne Drive  
Cupertino, CA 95014

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was presented by Tiffany Lin, Assistant Planner.

The subject property is zoned ECSP (Entertainment Corridor Specific Plan) and is developed with an integrated shopping center that includes two retail buildings. The property to the north, across Orangethorpe Avenue, is zoned CG (Commercial General) and is developed with Stater Brothers supermarket and Der Wienerschnitzel fast food restaurant. The properties to the east and south are zoned ECSP and are developed with the remainder of the integrated shopping center which includes Target and other retail stores. The property to the west is also zoned ECSP and is developed with a gas station.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU16-012 with findings of fact and conditions.

The site under application is located on the south side of Orangethorpe Avenue near the southeast corner of Orangethorpe Avenue and Western Avenue. The restaurant is included in the integrated shopping center. The shopping center has a street frontage of 235 ft. along Orangethorpe Avenue with a total land area of 36,141 sq. ft.

In August 2004, the Planning Commission approved Conditional Use Permit No. CU04-025 to demolish the Sequoia athletic club and event center at the property and construct the shopping center, including a department store, 44,000 sq. ft. of retail space, and a drive-thru restaurant.

In April 2006, the Planning Commission approved Conditional Use Permit No. CU06-005 to establish two restaurants. One restaurant, currently operating as "Kitakata Ramen", was approved with the sale of beer and wine for on-site consumption. The subject suite is the restaurant that was approved without the sale of beer and wine, which previously operated as "Waikiki Grill"

The submitted application and plans propose to establish the sale of beer and wine for on-site consumption ancillary to the operation of the 1,979 sq. ft. Jumping Dak restaurant, which has operated since November 2016. Jumping Dak serves Korean fried chicken with walk-up counter service. Customers order and pay for the food at the counter which is delivered to the tables by servers. Beer and wine will be served only in conjunction with the food order. According to the submitted business plan, the sale of beer and wine will be served for dine-in customers only as an amenity to food service. The hours of operation for Jumping Dak are 11:00 a.m. to 11:00 p.m. daily.

The restaurant floor plan includes a dining room seating a total of 48 persons, kitchen and preparation areas, food service counter, storage area, and restrooms. Restaurant personnel

will include approximately 13 people per shift as chefs, servers, and delivery staff. There is no outdoor dining area and no interior or exterior modifications are being proposed.

Section 19.512.010 of the City Code requires the applicant to gain Planning Commission approval to allow the proposed sale of beer and wine for on-site consumption in conjunction with a restaurant via the Conditional Use Permit process. In reviewing the applicant's request, staff reviewed plans and visited the property and is of the opinion that the facility and site are adequate to support the sale of beer and wine for on-site consumption. Staff believes that on-site sale and consumption of alcoholic beverages will be appropriate within the context of the restaurant and will not negatively impact the subject suite, surrounding businesses, or adjacent properties. As described in the attached letter, the applicant is proposing the sale of beer and wine to remain competitive with the other nearby similar restaurants serving beer and wine and to meet customer demand. Traditionally, Korean fried chicken is served with cold beer. Existing restaurants within the City that offer similar menu items and serve beer and wine include BBQ Chicken and Koko Chicken.

The site was originally developed with a restaurant with similar scale and business operations. The sale of beer and wine for on-site consumption is considered to be a typical amenity for this type of restaurant. As conditioned, the on-site sale and consumption of beer and wine will be incidental to the restaurant use. To reaffirm the incidental use, staff is recommending a condition that requires gross food sales receipts to exceed gross receipts of alcoholic beverages and those alcoholic beverages be served only in conjunction with food sales.

In order to create consistency with approvals for restaurants of similar size and operating characteristics in the area with sale and service of beer and wine for on-site consumption, staff has included a condition limiting the closing hour of operation to 11:00 p.m. daily, consistent with the restaurant's current closing hours. Restaurants in multi-tenant commercial centers in the vicinity which are similar in size and operation, including service of beer and wine for on-site consumption, include Kitakata Ramen, which is required to close at 11:00 p.m. and Aria Restaurant, which closes at 10:00 p.m. Other area restaurants that serve beer and wine include Black Angus Steakhouse (closing 9:30 p.m.) and Villa Garden, formerly Golden Nights, (closing 11:00 p.m. Sunday – Thursday and 2 a.m. Friday - Saturday). With the exception of Rock and Brews closing hours of operation for restaurants in the surrounding Tourist Entertainment area serving beer and wine range generally from 9:30 p.m. to 11:00 p.m. The required closing time is consistent with adjacent and nearby restaurants serving beer and wine for on-site consumption. The Buena Park Police Department reviewed the proposal and has no objection to the sale of beer and wine as an incidental use to the existing restaurant.

The project is Class 1, Section 15301, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on February 23, 2017, and 20 notices were mailed to property owners within 300 ft. radius of the subject property on February 23, 2017.

Chair Schoales asked if there were any questions for staff.

There being no questions for staff, Chair Schoales stated that this is a public hearing; if there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

David Cohn, representing the applicant, 3040 Redhill Avenue, Costa Mesa, CA 92626, said the applicant has numerous restaurants with ABC licenses in Southern California that are managed cautiously and responsibly.

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

Commissioner Capelle moved, and Commissioner Chung seconded, the motion to adopt the following Resolution approving Conditional Use Permit No. CU16-012 with findings of fact and conditions therein.

**RESOLUTION NO. 6035  
CONDITIONAL USE PERMIT NO. CU16-012**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU16-012 TO ESTABLISH THE SALE OF BEER AND WINE AT AN EXSTING RESTAURANT AT 7550 ORANGETHORPE AVENUE WITHIN THE ECSP (ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE**

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**3. CONDITIONAL USE PERMIT NO. CU17-001**

A request for Conditional Use Permit to operate a billiards parlor within an existing commercial shopping center located at 8556 Beach Boulevard, Suite F within the CG (Commercial General) zone with the Beach Crescent Architectural Overlay. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: Sam Sung Development Company  
c/o Daniel Lee  
1138 Livingston Lane  
Fullerton, CA 92833

APPLICANT: Carom Sports, Inc.  
8556 Beach Boulevard  
Buena Park, CA 90620

**RECOMMENDED ACTION:** Adopt Resolution of Approval

In reply to Chair Schoales, Ms. Santos stated that staff had received and distributed copies of an e-mail from the applicant requesting removal of the condition requiring a security guard on the property.

The staff report was presented by Tiffany Lin, Assistant Planner.

The subject property is zoned CG (Commercial General) with the B CAO (Beach Crescent Architectural Overlay) designation and is currently developed with an integrated commercial center that includes a restaurant building and two multi-tenant commercial buildings. The property is part of an integrated development with the two adjacent parcels developed with Farrell's Restaurant and Millennium Clothing. The property to the north is zoned CG and is developed with the Best Host Inn. The properties to the east, across Stanton Avenue, are zoned CG and are developed with the Knights Inn Motel and the Dorado Senior Apartments. The properties to the south are zoned CG and are developed with a multi-tenant commercial building. The properties to the west, across Beach Boulevard, are zoned CG and RS-6 (One Family Residential) and are developed with the Walgreens pharmacy and single family homes.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU17-001 with findings of fact and conditions.

The integrated development under application is generally located within the triangle between Beach Boulevard, Stanton Avenue, and Crescent Avenue, with street frontages of 550 ft. along Stanton Avenue and 750 ft. along Beach Boulevard, and a total land area of 4.2 acres. In 1967, the Planning Commission approved Variance No. V-525 to establish a Firestone Tires building within an existing integrated center with reduction in required parking for the integrated development. The variance allowed for reduction of 22 parking spaces, for a total of 263 spaces. The integrated center was later divided into three individual parcels which are required to maintain reciprocal access, parking and circulation agreements. The three parcels comprising the integrated center are separately owned. The individual property under application is developed with an 17,267 sq. ft. multi-tenant building, a 3,876 sq. ft. restaurant building and the 10,336 sq. ft. multi-tenant building, formerly operated as Firestone Tires. The separately owned Millennium Clothing and Farrell's Restaurant properties are not part of this application.

On October 14, 2009, the Planning Commission approved Site Plan No. SP09-017 to renovate a portion of the multi-tenant center to include building enhancements, parking expansion to include 11 additional spaces, and landscape improvements. The individual tenant area under application is approximately 3,804 sq. ft. and is located in the center of the approximately 17,267 sq. ft. multi-tenant building toward the north property line.

The submitted application, plans, and business plan, propose operation of a 3,804 sq. ft. billiard parlor within the former Westfield Sporting Goods suite within the 17,267 sq. ft. multi-tenant commercial building. Carom Sports Billiards will specialize in carom billiards which is played on cloth-covered, pocket-less tables. As described in the attached business plan, this type of billiards is different from other forms of billiards, with tables completely bound by cushions and the use of three balls. The proposed billiard parlor will maintain a total of twelve billiard tables. The business will be owner-operated and business operations require one additional employee. No alcoholic beverages or food will be served. The applicant is

proposing to include one vending machine that will provide snacks consisting of chips, cookies, and soft drinks. The proposed hours of operation for the billiards parlor will be from 10:00 a.m. to 2:00 a.m.

In order to accommodate the new use, the interior of the tenant space will be reconfigured to include 12 billiard tables, restroom facilities, a reception counter, perimeter tables and chairs, wall-mounted scoreboards and cue-racks, an office, and a storage room. No other modifications to the interior or exterior of the tenant space are proposed.

As shown on the submitted site plan, there are currently 274 parking spaces provided the shopping center. Access, circulation, and parking for the shopping center will not be altered as part of this application.

Section 19.512.010 of the Zoning Code requires Planning Commission review and approval for the establishment of a billiard parlor via the Conditional Use Permit process. In reviewing the applicant's request, staff reviewed proposed plans and other local billiard parlors, and visited the property and is of the opinion that the existing tenant space and site are adequate to support the proposed billiard parlor.

Staff believes that the adjacent uses at the site and surrounding businesses will not be negatively affected by the proposed business since the anticipated peak evening hours for the billiard parlor, from 8:00 p.m. to 11:00 p.m. will not coincide with the hours of most of the surrounding businesses and sufficient parking will be provided. The existing restaurant and hookah lounge within the center maintain hours of operation ranging from 5:00 p.m. to 4:00 a.m. which will coincide with the billiard parlor. The existing restaurant operates from 5:00 p.m. to 12:00 a.m. and the hookah lounge maintains closing hours of operation at 2:00 a.m. Sunday through Thursday and 4:00 a.m. Friday and Saturday. Other businesses at the site operate generally between 10:00 a.m. and 9:00 p.m. Adequate parking will continue to be provided with 274 parking spaces, as permitted. It is not anticipated that the new billiards parlor will negatively impact parking at the shopping center.

The proposed suite is located to the east of several single family homes. Staff feels that Beach Boulevard provides adequate separation between the proposed business and the single family homes. The residential properties are located more than 200 ft. to the west and the tenant space is further buffered by the existing free-standing restaurant as well as site improvements including landscaping and parking. Restricted business operations, including prohibition of alcohol sales and live entertainment, will further ensure compatibility with existing and anticipated uses on-site.

The Buena Park Police Department reviewed this application and provided the attached memo, dated January 10, 2017, concluding that there are no issues with the project as proposed. Conditions have been included prohibiting alcohol, loitering, and noise to prevent potential negative impacts to the surrounding businesses and properties. To further ensure security, additional conditions were included to prohibit window displays, treatments and signage that would obstruct vision into the establishment.

In addition, the provision of a security guard during the billiard parlor's hours of operation will prevent potential impacts, further ensuring compatibility with other businesses within the commercial center. Staff has included a condition of approval allowing the applicant to seek relief from the requirement of a security guard following six months of operation, which will be subject to Police Department approval.

As conditioned, Staff is of the opinion that the use would be compatible within the multi-tenant commercial center as well as with uses within the surrounding area. The proposed business will increase the viability and economic stability of the existing commercial center and provide a private recreational facility for the surrounding community.

The project is Class 1, Section 15301, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on February 23, 2017, and 25 notices were mailed to property owners within a 300 ft. radius of the subject property on February 23, 2017.

Chair Schoales asked if there were any questions for staff.

Commissioner Capelle asked staff what the standard condition is for new billiard parlors, as far as requiring a security guard on the property.

Mr. Rosen said that for past requests for new billiard parlors, a security guard was required on site, at least for the first six months. If there were no untoward incidents within that period, the requirement was removed.

Commissioner Diep asked if there are any billiard parlors that serve food and drinks.

Mr. Rosen said none of the existing billiard parlors in the city serve food and drinks, just snacks. He pointed out that many of the billiard parlors are located near shopping centers where food is available.

Chair Schoales asked if there are smoking areas outdoors at the location. He recalled that, on a past hookah lounge proposal, the Commission took precautions to prevent certain areas from becoming gathering places for smokers.

Mr. Rosen said the location of the smoking area will be determined when the applicant submits plans for the tenant improvements. He added that Chair Schoales' concern will be considered during the plan check process.

Chair Schoales asked staff to clarify the proposed closing time of the business.

Mr. Rosen said staff is recommending a 2:00 a.m. closing time whereas the applicant is requesting a 4:00 a.m. closing time.

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

Bon Koo, representing the applicant, Carom Sports, Inc., confirmed that the applicant is requesting a 4:00 a.m. closing time every day of the week. He explained that the proposed site is safe.

Commissioner Agrusa asked if the business operator has other businesses of this nature.

Mr. Koo said this is his first billiard parlor business.

Commissioner McGuire asked for the rationale behind the request for a 4:00 a.m. closing time.

Mr. Koo said that billiards as a sport is usually played for four to five hours at a time.

Commissioner McGuire asked about the proposed opening time.

Mr. Koo said they are proposing a 10:00 a.m. opening.

Chair Schoales recommended that the requirement for a security guard be kept until such time in the future when it is proven that the environment is safe.

Commissioner Capelle pointed out that staff's requirement is consistent with past applications for new billiards businesses.

Commissioner Agrusa agreed with the recommendation to keep the requirement to have a security guard and to assess the situation after six months of operation.

Commissioners Capelle and Diep recommended that the requirement to allow a 4:00 a.m. closing be submitted separately, for future consideration by the Planning Commission.

Commissioner Capelle recapped the discussion by saying that the recommendation will be to approve the application with the conditions stated by staff. She stated that the business owner's request for removal of the security guard requirement will be reviewed after about six months of operation, and the request for a 4:00 a.m. closing time will have to be submitted separately, for future consideration by the Planning Commission.

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

Commissioner Barstow moved, and Commissioner Capelle seconded, the motion to adopt the following Resolution approving Conditional Use Permit No. CU17-001 with findings of fact and conditions therein.

**RESOLUTION NO. 6036  
CONDITIONAL USE PERMIT NO. CU17-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF  
CONDITIONAL USE PERMIT NO. CU17-001, TO ESTABLISH AND  
OPERATE A BILLIARD PARLOR AT 8556 BEACH BOULEVARD SUITE F  
WITHIN THE CG (COMMERCIAL GENERAL) ZONE**

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



**ORAL COMMUNICATIONS:**

None

**AGENDA FORECAST:**

Mr. Saltzberg said the continued hearing for the Mitigated Negative Declaration on the booster pump station in Fullerton will be considered at the next Planning Commission Hearing. Another item scheduled for that meeting is a Conditional Use Permit for shared parking and the sale of beer and wine for on-site consumption at Kaju Tofu Restaurant at 7232 Orangethorpe Avenue.

**STAFF REPORTS:**

Mr. Rosen reported that City Council approved the issuance of bonds to replace the fire station and to fund the replacement of 20,000 water meters in the City.

**COMMISSION REPORTS:**

Commissioner Barstow asked for updates on the Buena Park Mall and the former market site on the southeast corner of Indiana and Orangethorpe.

Ms. Lin said the new property owner of the Indiana/Orangethorpe site has come to the Planning counter to discuss eligible uses for the site.

Mr. Rosen said that because of the road widening, reopening of the market will require Planning Commission approval.

Mr. Rosen said the new owner of Buena Park Mall submitted developments plans for Mall improvements.

Commissioner Diep commented that the soft opening of Porto's was impressive. She asked which of Porto's goods are taxed.

Mr. Rosen said he will obtain the information for Commissioner Diep.

Commissioner Diep asked staff to comment on the news about Native American remains discovered in Commonwealth.

Mr. Fox said the City continues to send the required notifications on proposed projects to the Gabrieleno Indian Tribes who acknowledge receipt of notifications but have not commented about potentially significant archeological finds on the proposed sites.

Mr. Rosen said the case of Native American remains discovered in Commonwealth is currently under investigation.

Commissioner Agrusa said she would like to report on the recent Planning Commissioners Academy that she attended.

Mr. Rosen said a study session will be scheduled for Commissioner Agrusa to discuss the Planning Commissioners Academy.

**ADJOURNMENT:** At 7:35 p.m., Chair Schoales adjourned to the Study Session.

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James Schoales  
Chair

ATTEST:

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Joel W. Rosen, AICP  
Secretary

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