

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
April 26, 2017

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on April 26, 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
Craig Fox, Assistant City Attorney
Tiffany Lin, Assistant Planner
Iris Lee, Assistant City Engineer
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES

Meeting of April 12, 2017
Study Session of April 12, 2017

RECOMMENDED ACTION: Approve

Commissioners Chung and Diep abstained from voting on this item due to their absence from the meeting and study session of April 12, 2017.

Commissioner Capelle moved and Commissioner McGuire seconded the motion to approve the minutes.

AYES: 5 COMMISSIONERS: Capelle, McGuire, Agrusa, Barstow, Chung, and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 2 COMMISSIONERS Chung, Diep

PUBLIC HEARING:

2. CONDITIONAL USE PERMIT NOS. CU17-24987 AND CU17-24911M1

A request to establish the sale of beer and wine for off-site consumption at an existing market (Conditional Use Permit No. CU17-24987) and a request for modification to Conditional Use Permit No. CU15-002 (CU17-24911M1) to extend the required closing hour of operation for the existing combination restaurant/market from 10:00 pm to 12:00 am daily at 6550 Knott Avenue within the CS (Community Shopping) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: 6550 Knott LLC
6550 Knott Avenue
Buena Park, CA 90621

APPLICANT: Hwa Ran Yang/BP Grille, Inc.
6550 Knott Avenue
Buena Park, CA 90621

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 site is zoned CS (Community Shopping) and developed with a combination restaurant and neighborhood market. The properties to the north, south, and east are zoned RM-20 (Medium Density Multifamily Residential) and developed with apartments. The property to the west across Knott Avenue is zoned MH (Heavy Industrial) and is developed with an industrial complex.

Staff recommends that the Planning Commission adopt the attached Resolutions approving Conditional Use Permit No. CU17-24987 and Conditional Use Permit No. CU17-24911M1 with findings of fact and conditions.

The subject property is located at the northeast corner of Knott Avenue and 9th Street with street frontages of approximately 149 ft. and 125 ft., respectively, with an area of approximately 18,731 sq. ft. The Planning Commission approved the development of a 4,000 sq. ft. medical office building at the property via Conditional Use Permit No. CU-301 in 1969 under a previous zoning designation that allowed for commercial uses.

On February 14, 2015, the City Council approved Zone Change No. Z14-002, General Plan Amendment No. GP14-002, and Conditional Use Permit No. CU15-002, for conversion of the legal non-conforming medical office building to a combination neighborhood restaurant/market. The Conditional Use Permit (CUP) was required by the zoning code for the market portion of the business. The restaurant portion of the business is a permitted use and allowed without a CUP in the CS Zone. The property owner/applicant did not propose sale of alcohol at the time of approval. The previous property owner/operator subsequently applied for Conditional Use Permit No. CU15-014 for on-site sale of beer and wine. During the Planning Commission public hearing on January 13, 2016, the Planning Commission requested continuance of Conditional Use Permit No. CU15-014 in response to Commissioner concerns regarding unpermitted site and building modifications and lack of compliance with conditions required as part of the original approval. Following the Planning Commission's motion for continuance, the previous owner/applicant withdrew the application and subsequently sold the property.

As a result of customer requests, the new property owner/business operator proposed the on-site sale and consumption of beer and wine for the restaurant. The request did not include the sale of alcohol for off-site consumption by the market. The proposal was originally scheduled for the Planning Commission meeting on October 12, 2016. Prior to the

meeting, the applicant requested to continue the item to allow additional time to complete certain permitted on-site improvements.

On November 15, 2016, the Planning Commission approved Conditional Use Permit No. CU16-005 to establish the sale of beer and wine for on-site consumption with minor interior building and site modifications at the restaurant with enclosed outdoor dining area..

The applicant has submitted an application and plans requesting Planning Commission approval to establish the sale of beer and wine for off-site consumption within the market and to extend the required closing hour of operation for the combination restaurant/market from 10:00 p.m. to 12:00 a.m. daily. The combination restaurant/market has been in operation since September 2015 and includes 1,296 sq. ft. of market/retail space and approximately 2,627 sq. ft. of restaurant space with indoor and outdoor dining area. The restaurant and market maintain separate spaces with an interior separation wall and separate entrances accessed through a vestibule entry area. The restaurant has a Type 41 liquor license for on-site consumption of beer and wine as an amenity to food service. The restaurant dining area seats approximately 45 persons and the menu features burgers, fries, teriyaki bowls, tacos, and breakfast dishes. The market portion of the building serves as a neighborhood market and sells a variety of goods including snacks, sodas, household items, limited groceries, canned foods, lottery, as well as souvenirs. The hours of operation for both businesses are 7:00 a.m. to 10:00 p.m. daily, as restricted by Conditional Use Permit No. CU15-002.

The applicant has submitted an application and plans for a Conditional Use Permit to establish the sale of beer and wine for off-site consumption within the market portion of the combination restaurant/market. In conjunction with the new Conditional Use Permit request, the applicant is also proposing modification of the existing Conditional Use Permit to extend the required closing hour of operation for the combination restaurant/market. As proposed, the combination restaurant/market hours of operation would be limited to 7:00 a.m. to 12:00 a.m. daily and the market operation will include conditions regulating sale of beer and wine for off-site consumption, including maintaining adequate security surveillance from the exterior. No interior or exterior building modifications are proposed.

Section 19.512.010 of the City Code requires Planning Commission approval for the proposed sale of beer and wine for off-site consumption within the neighborhood market of the combination restaurant/market via the Conditional Use Permit process. Section 19.128.020.B of the City of Buena Park Zoning Ordinance allows the Planning Commission to consider modifications to Conditional Use Permits involving existing facilities. Modification of the existing Conditional Use Permit CU16-005 is required in order to allow extension of hours of operation and for the sale of beer and wine for off-site consumption within the market. In reviewing the applicant's request, Staff reviewed plans and visited the site and surrounding area and is of the opinion that the site is adequate to support the sale of beer and wine for off-site consumption within the market and the extended hours of operation for the combination restaurant/market, as conditioned.

Adequate separation is provided between the market/restaurant building, with enclosed outdoor dining area, and the adjacent apartment buildings located between 75-100 ft. to the north, south, and east. In addition, the existing block walls along the north and east property lines provide sufficient buffering between the site and adjacent residential properties to the north and east. The dining area for the restaurant fronts Knott Avenue and 9th Street and access to the restaurant is provided through an entrance on 9th Street and the vestibule entry on the east side of the building. A rear access door is located on the north side of the

building, and is used for employee entrance/exiting and maintenance and deliveries only. The walk-up take-out window located on the north side of the building will only be available until 10:00 p.m. daily. Security cameras are installed both within the interior of the building and along the exterior elevations facing the parking lot.

As conditioned, the sale of beer and wine for off-site consumption will be incidental to the market use. The existing floor plan provides a suitable location for the display of beer and wine in order to provide adequate surveillance of alcoholic beverages within the facility. As conditioned, the cash register area within the vestibule entry will maintain a clear and unobstructed view of the market area and display of beer and wine. As indicated on the proposed plans, half of the display of beer and wine will be located within the market along the east wall near the entry area and the other half will be controlled by market staff at the register.

Staff feels that the sale of beer and wine as an incidental use to the market is an added amenity for the surrounding neighborhood. The extended market and restaurant hours of operation will serve a clientele that shops and dines late. The restaurant serving beer and wine for on-site consumption is consistent with similar previous approvals for neighborhood serving restaurants such as Café 7th Home. Café 7th Home is located in a primarily residential area and has similar operating standards in terms of required closing hour of operation, until 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday, and type of alcohol license. Café 7th Home has experienced 8 calls for service between 2015-2017, most of which were related to audible burglar alarms. BP Grill has a similar number of calls for service with a total of 9 calls for service over the course of three years. The majority of calls for service for BP Grill involve welfare checks, which are considered a minor service request. The Buena Park Police Department has reviewed the proposal and has no objection to the sale of beer and wine for off-site consumption within the market or to the extended hours of operation for the combination market/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 April 13, 2017 and 235 notices were mailed to residents in the adjacent apartment complexes and to property owners within a 300 ft. radius of the subject property on April 14, 2017.

Chair Schoales asked if there were any questions for staff.

Commissioner McGuire noted that there is an adjacent two-story apartment building on the north side of the subject site, with the second-floor windows overlooking the commercial parking lot. He asked if the current operating hours of the business are from 7:00 a.m. to 10:00 p.m.

Chair Schoales pointed out that although the bedroom windows of the adjacent apartment complexes to the south and east are farther away from the subject site than the second story windows of the apartment complex to the north, there is still potential for noise such as blaring car horns and radios and loud voices of customers from the market/restaurant. He recalled that the current operating hours for this project were approved in order to maintain peace and quiet in the adjacent residences.

Commissioners Agrusa and Capelle asked if there are similar restaurants which serve beer and wine for on-site consumption adjacent to residences in the City.

Ms. Lin cited 7th Home Café as a similar example, which is adjacent to residences in the City, and serves beer and wine for on-site consumption. Ms. Lin said there have been no recorded noise complaints on 7th Home Cafe.

Commissioner Diep commented that she has been to 7th Home Café a number of times and did not notice any noise concerns.

Mr. Rosen reported that meeting notices were mailed to surrounding property owners and to occupants of adjacent apartment units, and that no communications were received on this item.

Commissioners Diep and Barstow reiterated that the request for the sale of beer and wine at the existing market is for off-site consumption only.

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.

Susan Pak, representing the applicant, Hwa Ran Yang/BP Grille, Inc., 6550 Knott Avenue, Buena Park, CA 90621, said the current operating hours are from 7:00 a.m. to 10:00 p.m. She said the proposal to extend the closing hours is due to requests from neighborhood customers who arrive late from work and must be turned away because of the current 10:00 p.m. closing time.

Commissioner Capelle said she is not concerned about potential for increased noise because of the limited scale of the neighborhood market/restaurant operation and sufficient separation from adjacent residences. She noted that none of the recipients of notices mailed are present at this meeting which suggests that operation of the business has not intruded on adjacent residences.

Commissioner Capelle added that based on respect for the property rights of the business owner, who operates within the confines of the approved CUP, and for the surrounding neighbors, a balanced compromise can be reached, such as approving the proposed extended closing hours based on inclusion of a six-month trial period to allow evaluation of any resulting off-site impacts.

Commissioners Agrusa, Barstow, and Diep agreed with Commissioner Capelle, with Commissioner Diep recommending adding a requirement for a report to the Planning Commission three months after extended operating hours begin, in order to closely monitor the business performance to assure there are no off-site impacts.

Commissioner Schoales and Ms. Lin discussed the adequacy of parking spaces for customers of the combination market/restaurant. Chair Schoales noted that he has not observed the parking lot full.

Mr. Lin said that the parking provided meets Code requirements.

Commissioner Agrusa said she once noticed a food truck in the parking area, with people in line.

Ms. Pak said she was not aware of the food truck incident.

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

Commissioner Capelle moved, and Commissioner Barstow seconded, the motion to adopt the following Resolutions approving Conditional Use Permit Nos. CU17-24987 and CU17-24911M1 with findings of fact and conditions, with three-month and six-month status reports to the Planning Commission after extended closing hours of operation begin.

**RESOLUTION NO. 6044
CONDITIONAL USE PERMIT NO. CU17-24987**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU17-24987 TO ESTABLISH THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN EXISTING MARKET AT 6550 KNOTT AVENUE WITHIN THE CS (COMMUNITY SHOPPING) ZONE

**RESOLUTION NO. 6045
CONDITIONAL USE PERMIT NO. CU17-24911M1**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU17-24911M1 TO EXTEND THE REQUIRED CLOSING HOUR OF OPERATION FROM 10:00 P.M. DAILY TO 12:00 A.M. DAILY FOR AN EXISTING COMBINATION RESTAURANT/MARKET IN THE CS (COMMUNITY SHOPPING) ZONE AT 6550 KNOTT AVENUE

AYES: 5 COMMISSIONERS: Capelle, Barstow, Agrusa, Chung, Diep

NOES: 2 COMMISSIONERS: McGuire, Schoales

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Saltzberg announced that the next anticipated item to be considered by Planning Commission is a proposal for contractor's yard/trade school/music studio at the northwest corner of Commonwealth and Dale. As requested by Chair Schoales, Mr. Rosen will look into the alleged construction going on in the area.

STAFF REPORTS:

Mr. Rosen reported on the City Council Study Session on the Marijuana Initiative and Art in Public Places.

Mr. Fox discussed the Marijuana moratorium.

Mr. Rosen announced Ms. Lin's resignation effective May 4, 2017. He said Ms. Lin accepted a job in another city.

COMMISSION REPORTS:

Commissioner Diep reported on the High Speed Rail special meeting that she attended on April 5. She discussed the need for the High Speed Rail committee to coordinate with City staff regarding how the project will affect the Metrolink station in Buena Park.

ADJOURNMENT: At 7:50 p.m., Chair Schoales adjourned to the Planning Commission meeting of May 10, 2017, Wednesday, at 7:00 p.m. in the City Council Chamber.

ATTEST:

Joel W. Rosen, AICP
Secretary

James Schoales
Chair