

Planning Commission

MEETING DATE AND TIME:

August 9, 2017 - 7:00 p.m.

MEETING LOCATION:

Council Chamber

Members of the public who wish to discuss an item should fill out a speaker identification card and hand it to the secretary. When the item is announced by the Chair, speakers should come forward to the microphone, and upon recognition by the Chair, state their names and addresses.

All actions by the Planning Commission are final unless an appeal to the City Council is filed with the City Clerk within ten (10) working days of the decision.

Appeal period ends on August 24, 2017.

CALL TO ORDER / FLAG SALUTE:

ROLL CALL:

Agrusa, Barstow, Capelle, Chung, McGuire, Schoales, and Diep

1. **APPROVAL OF MINUTES:** Planning Commission Meeting July 26, 2017

Recommended Action: Approve

PUBLIC HEARING:

OLD BUSINESS:

2. **ZONE CHANGE NO. Z16-002; DEVELOPMENT AGREEMENT NO. DA16-008; TENTATIVE PARCEL MAP NO. PM17-24937**

A request to consider a recommendation to the City Council for a Zone Change from CO (Commercial Office) to GMU (General Mixed-Use); Development Agreement to construct a new three-story 10,030 sq. ft. building including four residential live-work condominium units with four connecting office spaces and 13 parking spaces; Tentative Parcel Map to subdivide one parcel for condominium purposes for the residential/office development located at 5801 Homewood Avenue within the CO (Commercial Office) zone. The proposed project has been reviewed and found to be within the scope of the previously certified Program EIR for the Buena Park 2035 General Plan Update (SCH #2009111026) and the previously certified Program EIR adequately describes for the purposes of CEQA the proposed project as required by Section 15168 of CEQA Guidelines.

PROPERTY OWNER:

VIP GOLD LLC
Violet Chen, Manager
P.O. Box 2428
Fullerton, CA 92837

APPLICANT: Myung Chung
9040 Flair Drive, Suite 128
El Monte, CA 91731

RECOMMENDED ACTION: Continue to the next regularly scheduled Planning Commission meeting of August 23, 2017 to consider revised development plans

ORAL COMMUNICATIONS:

At this time, the public may address the members of the Planning Commission on any item that is within the jurisdiction of the Planning Commission.

AGENDA FORECAST:

STAFF REPORTS:

COMMISSION REPORTS:

ADJOURNMENT: To the Study Session immediately following this meeting

STUDY SESSION

ROLL CALL: Agrusa, Barstow, Capelle, Chung, McGuire, Schoales, and Diep

TOPIC: VIP HOMES PROJECT – 5801 HOMEWOOD

ADJOURNMENT: To the regularly scheduled Planning Commission meeting on Wednesday, August 23, 2017, at 7:00 p.m. in the City Council Chamber

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

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on July 26, 2017, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Schoales presiding.

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

ABSENT: COMMISSIONER: Agrusa

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

1. ELECTION OF PLANNING COMMISSION OFFICERS:

Chair Schoales declared the offices of Chair and Vice Chair of the Planning Commission vacant and turned the meeting over to Ms. Santos for the election of new officers.

Ms. Santos opened the nominations for Chair of the Planning Commission. Commissioner Capelle nominated Commissioner Diep as Chair, which was seconded by Commissioner Barstow. There being no other nominations, Ms. Santos declared the nominations closed and called for a voice vote.

Ms. Santos announced that the MOTION CARRIED unanimously and Deborah Diep is the new Chair.

Chair Diep opened the nominations for Vice Chair. Commissioner Capelle nominated Commissioner McGuire as Vice Chair, which was seconded by Commissioner Barstow. There being no further nominations, Chair Diep called for a voice vote. The MOTION CARRIED unanimously and Chair Diep announced that Commissioner McGuire is the new Vice Chair.

2. APPROVAL OF MINUTES

Meeting of July 12, 2017

RECOMMENDED ACTION: Approve

Chair Diep and Commissioner McGuire abstained from voting on this item due to their absence at the meeting of July 12, 2017.

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

AYES: 4 COMMISSIONERS: Barstow, Capelle, Chung, and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Agrusa

ABSTAIN: 2 COMMISSIONERS: Diep, McGuire

PUBLIC HEARING:

OLD BUSINESS:

3. ZONE CHANGE NO. Z16-002; DEVELOPMENT AGREEMENT NO. DA16-008; TENTATIVE PARCEL MAP NO. PM17-24937

A request to consider a recommendation to the City Council for a Zone Change from CO (Commercial Office) to GMU (General Mixed-Use); Development Agreement to construct a new three-story 10,030 sq. ft. building including four residential live-work condominium units with four connecting office spaces and 13 parking spaces; Tentative Parcel Map to subdivide one parcel for condominium purposes for the residential/office development located at 5801 Homewood Avenue within the CO (Commercial Office) zone. The proposed project has been reviewed and found to be within the scope of the previously certified Program EIR for the Buena Park 2035 General Plan Update (SCH #2009111026) and the previously certified Program EIR adequately describes for the purposes of CEQA the proposed project as required by Section 15168 of CEQA Guidelines.

PROPERTY OWNER: VIP GOLD LLC
Violet Chen, Manager
P.O. Box 2428
Fullerton, CA 92837

APPLICANT: Myung Chung
9040 Flair Drive, Suite 128
El Monte, CA 91731

RECOMMENDED ACTION: Adopt Resolutions recommending City Council Approval

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

The staff report was presented by Jay Saltzberg, Planning Manager.

The .15 acre site is located on Homewood Avenue and is zoned CO (Commercial Office) and developed with a legal non-conforming single family residence and associated improvements. The properties to the north are zoned CO and are developed with legal non-

conforming single-family homes. The properties to the east, across Homewood Avenue, are zoned RS-6 (One-Family Residential) and are developed with single-family homes. The property to the south is zoned CO and is developed with a legal non-conforming single-family home. The property to the west, along Beach Boulevard, is zoned GMU (General Mixed-Use) and is under construction for a 5-story mixed use development including senior apartments, medical offices, and commercial.

Staff recommends that the Planning Commission adopt the attached Resolutions recommending approval of Zone Change No. Z16-002, Tentative Parcel Map No. PM17-24937, and Development Agreement No. DA16-008 to the City Council.

The site is located on the west side of Homewood Avenue, between Franklin Street and Holt Street, with an approximately 50 ft. street frontage on Homewood Avenue and a lot area of 6,750 sq. ft.

In December 2010, the City Council approved the comprehensive 2035 General Plan update to reflect the current conditions of the City and establish the vision for future growth. The 2035 General Plan identifies 10 key focus areas within the City with the most potential for growth and change. The subject site is located in the Central Buena Park Focus Area. Historically defined as the heart of the City, the Central Buena Park Focus Area is envisioned as a complementary mix of retail, high-density residential, and office. A primary design characteristic for this focus area includes street-oriented buildings with ground level retail and dining and residential units above. Although the focus area encourages higher density mixed-use development, future redevelopment within this area must also be compatible with the adjacent single-family residential neighborhood.

At a June 23, 2015 study session, the City Council considered a conceptual proposal (#1) for a four story, 48 ft. tall building containing five condominium units and five office spaces with private restrooms and separate access and 12 parking spaces. The City Council expressed the following concerns regarding the proposal:

- Excessive height and massing along Homewood Avenue
- Public safety issues related to simultaneous residential and office uses with common access
- Lack of recreational open space, storage, and inadequate parking

The applicant revised the project in response to City Council comments and presented the proposal (#2) to the City Council at the July 28, 2015 study session. The revised plans included a four story, 30 to 48 ft. tall building containing five ownership units and five office spaces with separate restrooms and access and 13 parking spaces. The City Council expressed the following concerns regarding the second proposal:

- Excessive height and massing along Homewood Avenue
- Lack of sufficient on-site parking for offices
- Office spaces should be only for condominium owners

On October 13, 2015, the City Council held a study session to review the applicant's revised (#3) proposal. The proposal included a three story, 33-35 ft tall mixed-use residential condominium/office development with four residential ownership units and four ground floor office spaces with separate restrooms and access. Following discussion, the majority of the City Council generally supported the conceptual proposal as presented.

On September 14, 2016, the Planning Commission held a study session to discuss the proposed project. Three separate project designs were presented to the Planning Commission which included different configurations for the ground floor parking and office spaces. All three proposals included the required amount of parking, same number of units, and similar office and habitable areas. In reviewing the proposals, Planning Commissioners cited concerns related to proposed triple tandem parking, insufficient separation of roof-top open spaces, and alley access, but otherwise supported the project and directed Staff to continue to work with the applicant. The preferred parking option among the Commissioners was to provide 2-car garages with parking on the driveway for each unit.

On June 28, 2017, the Planning Commission opened and continued the noticed public hearing on the application since the project address was listed incorrectly in the legal notice. The item was continued to July 12, 2017 to provide a revised public hearing notice including an updated project description and corrected project address. On July 12, 2017, the Planning Commission convened the continued public hearing on the proposal. At the hearing, the parking plan as presented did not include recent revision to comply with accessible parking requirements. Staff noted that the Planning Commissioners were previously provided with the revised parking plan demonstrating compliant accessible parking; however, the agenda report posted on the city website did not include the revised parking plan. The Planning Commission continued the item to July 26, 2017 to allow posting of the revised parking plan on the city website. In addition, at the July 12, 2017 Planning Commission hearing, staff provided a memorandum to the Planning Commission recommending that Planning Condition No. 19.j under Exhibit C of the proposed Development Agreement be modified to allow the live/work units to have small business identification signs and limited customer traffic. The project presented now includes the revised parking plan demonstrating accessibility, which is posted on the city website, and modification to Planning Condition No. 19.j. under Exhibit C as recommended to the Planning Commission.

The submitted application and plans propose construction of a new 3-story 10,030 sq. ft. building including four residential live-work condominium units with four connecting office spaces and 13 parking spaces. According to the plan, the ground floor provides four independent office live-work spaces ranging from 370 sq. ft. to 429 sq. ft. (totaling approximately 1,600 sq. ft.), including restroom and laundry facilities. It should be noted that the live-work offices will be required to be used only by the residents of the development and shall not be separately rented or leased. The top two floors will provide four condominiums with associated open space areas on the roof. Each floor will include two units for a total of four units. Units 1 and 2 are located on the second floor and Units 3 and 4 are located on the third floor. Entrances into the building will be provided on the north elevation to units 3 and 4 and on the south elevation to units 1 and 2. Once in the building, shared stairways will provide access between the floors.

The building frontage features a three story, 33 to 35 ft. tall building with contemporary design, with two 2-car tandem garages for the two units facing Homewood Avenue and an ADA accessible parking space. Two 2-car side by side garages are provided for the two units facing the alley with four parking spaces in the driveway. A decorative-glass, sectional garage door to complement the façade will also be included. The east and west elevations fronting Homewood Street and the alley, respectively, will include signage and decorative lighting. The north and south elevations include the main entrances to the offices and residential unit stairways, windows for the office spaces, and individual trash enclosures for each unit screened by decorative metal doors with louvers.

The two living units on the second and third floor fronting Homewood Avenue will have sliding doors leading to private balconies with decorative wrought iron railings, building trim, and accent details. The two units fronting the alley will include similar architectural finishes, with faux balconies and decorative window railings instead of private balconies. There will be approximately 360 sq. ft. of private rooftop open area for each unit. The live/work condominiums will include direct access from the work/office spaces to the living spaces through the shared stairways. In addition, two shared storage areas are provided adjacent to the shared stairway on the ground floor. The interior configuration is designed to ensure residence/office integration and promote separation between the units with associated amenities.

The floor plans for the units range from 1,624 sq. ft. to 1,740 sq. ft. and include three bedrooms and two bathrooms with a kitchen, living room, and dining room. Each unit will feature rooftop outdoor patios. The two units fronting Homewood Avenue will include private balconies. Unit 1 on the second floor will include a 235 sq. ft. balcony and Unit 3 on the third floor will include two 40 sq. ft. balconies. The rooftop deck will include an outdoor seating area with an overhead wood trellis cover for each unit. Each outdoor seating area will include L-shaped counters with under counter refrigerators, barbecue grills, and double sinks. A two-car garage is provided for each dwelling unit and five guest parking spaces. The guest parking spaces include four standard stalls and one accessible stall. The guest parking spaces are located directly in front of the garages, creating tandem parking for units 2 and 4. The accessible space is included in front of the office areas for units 1 and 3 with tandem parking proposed within the garage units respectively. Access to the site is provided from Homewood Avenue and from the alley on the west side of the property.

The building has been designed with contemporary urban architecture featuring a variety of forms and textures. All four elevations will feature varying projections and building heights enhanced with multiple colors and materials, including smooth stucco finishes, wrought iron railing, metal and wood trim accents, trellis elements, metal outriggers, and stuccoed window surrounds. The building frontages along Homewood Avenue and the alley to the west incorporate decorative metal elements and a variety of forms and finishes while considering the more sensitive adjacent residential uses through the placement of the 2-car garages on the front elevations. The main entries to each office space are located along the side elevations and will be accessed through private 5 ft. wide walkways connected to the public right-of-way.

In conjunction with the development proposal, the applicant is requesting consideration of a Zone Change to allow the development to move forward. The current zoning for the site is CO (Commercial Office). The proposed Zone Change would change the zoning of the site to GMU (General Mixed-Use) which is consistent with the Buena Park General Plan land use designation for the site. In addition, the applicant is requesting consideration of a Tentative Parcel Map to subdivide the parcel for condominium purposes to allow for the mixed-use development.

California Government Code Section 65865 et. seq. allows the City to enter into Development Agreements, which are contractual agreement between the City and property owners regarding development rights and performance standards. They allow the City and property owner to achieve certain comfort levels so that current and future projects can go forward in a reasonably orderly fashion without creating potentially chaotic or conflicting land uses and improvements. The Development Agreement process requires the Planning Commission to make a recommendation to the City Council prior to Council action. The

Buena Park Zoning Ordinance requires a regulatory plan or Development Agreement to be established and/or executed to allow for development within the General Mixed-Use zone. The Development Agreement procedure was chosen because it is felt that it allows the property owners and the City a mechanism to attain respective goals while providing assurance, in contractual form, that property redevelopment will evolve with suitable provisions to alleviate detrimental effects. Since the existing site maintains a Zoning classification of CO (Commercial Office), a Zone Change is required to develop a mixed-use project on the site.

In reviewing the application, Staff visited the site and surrounding area as well as reviewed the submitted plans. Based on this review, Staff is of the opinion that the proposal will allow the site to appropriately transition to a mixed-use development with design and scale complementary to newer mixed-use development along Beach Boulevard while remaining compatible with the character of the adjacent residential neighborhood, as envisioned within the General Plan. The subject site is located within the Central Buena Park Focus Area as designated in the General Plan. The Central Buena Park Focus Area is envisioned as a complementary mix of commercial, higher density residential, and offices providing residents the opportunity to shop, work, and live in the historical heart of Buena Park. The key design features and building form characteristics include mixed-use ground level office with residential units above. The overall intended character for this focus area includes "Street Oriented Buildings" with outdoor gathering spaces and adjacent parking.

Based on the scope of the project, architectural design, and massing of the development, Staff feels that the proposed project fulfills the expectations identified for this area within the General Plan. Staff is of the opinion that the proposed development has been designed to complement the existing single-family residential neighborhood to the east. The residential condominium project provides connecting offices to allow home-based businesses for the future homeowners. The proposed residential land use of the property will assist the City in meeting the housing goals of the City's General Plan. As proposed, the project is consistent with the preferred design characteristics of the Central Buena Park Focus Area in order to ensure compatibility between future mixed-use development along Beach Boulevard and Homewood Avenue and the adjacent single family residential neighborhood.

The site and architectural design of the proposed live-work development provides an appropriate development, including form, density, setbacks, height, massing, open space, parking, amenities, and vehicular and pedestrian access, as conditioned, to ensure compatibility with the adjacent residential neighborhood. The project incorporates enhanced design, including diverse textures and materials which give the development a unique and appealing quality. Additionally, the developer has provided a quality architectural design with amenities consistent with other newer mixed-use development within the Orange County region. The proposed live-work development has been configured to integrate with the existing single-family neighborhood while creating a high quality mixed-use design with ample individual open space areas based on the scale of the project. The private useable open space areas will provide appropriate recreation opportunities for the residents of this development based on the amenities provided.

The proposed project has been reviewed and found to be within the scope of the previously certified Program EIR for the Buena Park 2035 General Plan Update (SCH #2009111026) and the previously certified Program EIR adequately describes for the purposes of CEQA the proposed project as required by Section 15168 of CEQA Guidelines.

Notice of public hearing was posted at City Hall, on the Buena Park website, the Buena Park Library, and Ehlers Community Recreation Center on June 29, 2017, and 44 notices were mailed to property owners and residents within a 300 ft. radius of the subject property on June 29, 2017.

Chair Diep asked if there were any questions for staff.

Commissioner Barstow asked how the parking plan changed from side-by-side to tandem parking and if tandem parking is allowed in the City. He expressed his concern that if this project is approved, streets such as Homewood will be congested with street parking.

Mr. Rosen explained that parking was reconfigured to tandem to provide the required handicap parking.

Commissioner Schoales said that high-density projects on small lots with substandard parking, as proposed, are not what the General Plan envisions for the area. He said larger scale projects, such as OnBeach, conform to the General Plan. Commissioner Schoales expressed concern on how approving this project, with the proposed parking plan, will impact the surrounding properties, and asked staff about the approval process for tandem parking.

Mr. Rosen said a Development Agreement is necessary in order to allow for tandem parking. He cited previous examples of projects in the City, including the old City Yard and affordable housing projects that have tandem parking, as approved through Development Agreements.

Commissioner Schoales expressed concern that if this project is approved, it may lead to other similar projects with potential for overflow parking. He asked if the proposed parking plans comply with Code.

Commissioner McGuire expressed concern about the common guest parking spaces located in front of garages conflicting with vehicles entering and exiting the garages.

Chair Diep 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.

Myung Chung, applicant, 9040 Flair Drive, Suite 128, El Monte, CA 91731, said the mixed-used design was required in order to comply with the zoning for the site. He recalled that at previous study sessions, the Planning Commission expressed general support for the project including proposed architectural design and directed that the parking be reconfigured to provide the required handicap parking.

Mr. Rosen said the mixed-use design conforms to the General Plan vision providing an appropriate transition between high-density commercial/residential development on Beach Boulevard and the single-family neighborhood to the east of the project location. He said staff can give the applicant certain options to reconfigure parking and eliminate tandem parking.

Commissioner Capelle suggested that the project might be more viable if the units were limited to residences only, without the office component. She asked if the proposed redesign of parking can be reviewed by staff for approval based on compliance with Planning Commission direction.

Mr. Fox said a redesign of the project requires public notice and review by Planning Commission and City Council.

Violet Chen, Manager, VIP GOLD LLC, said that although staff initially encouraged a mixed-use residential/office design based on the zoning requirement, she is willing to modify the project for residences only, based on the Planning Commission preference, which should allow for additional parking.

At the request of Mr. Rosen, Chair Diep recessed the meeting at 8:10 p.m.

Chair Diep reconvened the meeting at 8:20 p.m.

Mr. Rosen recommended continuance to the next Planning Commission meeting on August 9, 2017, based on Planning Commission direction that plans be revised to include elimination of tandem parking on the first level of the proposed structure.

There being no one else wishing to speak on the matter, Chair Diep advised that this item requires a Minute Action to continue to the Planning Commission meeting of August 9, 2017 to allow for revision of the development plans.

Commissioner Barstow moved, and Commissioner Chung seconded, the motion to continue the meeting to the regular Planning Commission meeting of August 9, 2017.

The MOTION CARRIED unanimously.

NEW BUSINESS:

4. CONDITIONAL USE PERMIT NO. CU17-25835

A request to allow the sale of beer and wine for on-site consumption with outdoor dining and live entertainment at a 15,905 sq. ft. food hall eating establishment located at the Buena Park Mall, 8340 La Palma Avenue within the CR (Regional Commercial) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER/PROPONENT: NEWKOA, LLC
8308 On the Mall
Buena Park, CA 90620

RECOMMENDED ACTION: Adopt Resolution of Approval

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

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

The subject site is part of the Buena Park Downtown (Mall) which is bounded by La Palma Avenue on the north, Stanton Avenue on the west, Dale Street on the east, and single-family residences to the south. The site is zoned CR (Regional Commercial) featuring Sears, Wal-Mart, 24 Hour Fitness, Bed, Bath and Beyond, Ross, Discount Shoe Warehouse (DSW), and Krikorian Metroplex Theatres. The subject building is located west of the Krikorian Metroplex

Theatres, south of the primary section of the mall. The properties to the east are zoned CS (Community Shopping) and RS-6 (One-Family Residential) and are developed with a hardware supply store and single-family residences. The properties to the west are zoned ESCP (Entertainment Corridor Specific Plan) and AR (Amusement Resort) and are developed with Knott's Berry Farm/Soak City USA and restaurant and office buildings. The properties to the north are zoned CR and are developed with an integrated commercial center. The single family residential properties to the south are zoned RS-6.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU17-25835 with findings of fact and conditions.

The Buena Park Mall was originally constructed in the early 1960's as an open-air regional shopping center anchored by two major tenants, with a third anchor tenant added during the early 1970's. In the late 1970's, the Mall was approved to be converted to an indoor mall. Subsequent modifications included adding a lower level interior area and freestanding pad buildings. In 1996, entitlements were granted for new sub-anchors, including Burlington Coat Factory, Bed, Bath and Beyond and Old Navy with conversion of the former United Artists Theater to retail space and a new food court area in the core of the Mall. In June 2001, a Conditional Use Permit was approved for demolition of the vacant Fedco Store and construction of a Wal-Mart Department Store.

In September 2001, the Planning Commission approved Conditional Use Permit No. CU-1283/Master Plan No. MP 01-03 for the remodel of the Mall, including construction of the Krikorian Metroplex theatres as well as an area identified as the Entertainment Center behind the Mall building. This area includes the theatre building and four multi-tenant buildings totaling approximately 74,750 sq. ft. The specific building under application is approximately 15,905 sq. ft. and located within the Entertainment Center, west of the Krikorian Metroplex. There are two existing tenant spaces in the subject building currently occupied by Berrysweet Yogurt Shop and El Gallo de Oro Mexican Restaurant. The remainder of the building is vacant.

On July 11, 2017, staff presented the Food Hall proposal under application during a City Council study session. The City Council discussed the proposed food hall design and color theme, activities, and food types as well as proposed hours of operation. At the conclusion of discussion, the City Council expressed support for the project including operating hours between 7:00 AM and 2:00 AM. Council also supported a CUP condition that would allow the applicant to apply to extend the required closing hour based on evaluation of business practices after a year of operation.

The submitted application and plans propose on-site sale and consumption of alcoholic beverages, outdoor dining, and live entertainment within the 15,905 sq. ft. food hall eating establishment. Plans indicate the food hall will maintain eleven (11) food and beverage vendors providing an array of dining options as well as interior communal dining hall seating and approximately 2,947 sq. ft. of outdoor dining area. The proposed hours of operation for the food hall are 7:00 AM to 2:00 AM daily. As conditioned, food service will be provided during business hours with potential sale of alcoholic beverages by the food vendors. Patrons will have the ability to consume beer and wine in all interior areas of the food hall and within designated outdoor patio areas. Consumption of alcoholic beverages off-premises will be prohibited. On-premise consumption of alcoholic beverages purchased off-site will also be prohibited.

The proposed floor plan includes approximately 214 seats for indoor dining and approximately 192 seats for outdoor dining. Outdoor dining areas shall be designed with a minimum 3.5 ft. tall decorative fencing and egress gates as well as direct accessibility from inside the food hall to accommodate alcoholic beverage consumption, as conditioned.

Additionally, the applicant intends to provide live entertainment in the form of live music bands and performance acts within the food hall. The applicant will be required to submit an Entertainment Permit for review and approval by the Community Development department, as conditioned.

In conjunction with the establishment of the food hall, the applicant plans to remodel the exterior of the existing 15,905 sq. ft. building. The building will retain the existing architectural design and features but will include new architectural enhancements and building color including exterior mural and wall graphics and corrugated metal awnings. New thematic signage for the food hall will include illuminated "market hall" type signs, wayfinding signs, and individual vendor signs. The applicant will be required to submit sign plans for review and approval by the Community Development Department, as conditioned. As required, exterior building graphics and murals shall promote the community's general interest, with design subject to review and approval by the Community Development Department, pursuant to Section 19.556.050.M.7 of the Zoning Code.

Section 19.512.010 of the Zoning Code requires the applicant to obtain Planning Commission approval for the proposed sale of beer and wine for on-site consumption via the Conditional Use Permit process. Staff reviewed the applicant's plans and visited the property, and is of the opinion that the existing building and surrounding Mall are adequate to support the establishment of a food hall eating establishment with the sale of alcoholic beverages for on-site consumption, as conditioned. Staff believes that on-site sale and consumption of alcoholic beverages will be appropriate in the context of the food hall eating establishment and will not negatively impact the subject and surrounding properties, as conditioned, to allow both interior and exterior consumption of beer and wine as an amenity to food service. The proposed food hall building and site design, including colors, graphics, and associated enhancements, will provide a comprehensive unique thematic element contributing to the vitality of the Mall. Additionally, the subject building is centrally located within the mall property with orientation to the north toward the mall courtyard and away from adjacent residences to the south. Therefore, no negative impacts are anticipated on the adjacent residential neighborhood.

In Staff's opinion, the proposed operating hours of 7:00 AM to 2:00 AM daily are appropriate for the food hall as a featured sub-major tenant at the Mall consistent with other similar approvals at the site and in the area. Parking for the eating establishment was previously included in the calculations for the 2001 remodel of the Mall, which slated this sub-major tenant space for restaurant use. Also, upon review of the applicant's request and submitted security plan, the Police Department has indicated that they have no objections to the project, including outdoor patio dining, on-site sale and consumption of alcoholic beverages, or the proposed hours of operation, as conditioned.

The Regional Commercial designation of the General Plan and Commercial Regional zoning were created as the primary regulatory mechanism to stimulate development of a regional scale integrated shopping, dining and entertainment experience in the core area of the City. The objectives of the General Plan and Zoning classification for the area are to facilitate an enhanced and revitalized town center featuring an assortment of dynamic and

complementary entertainment, retail, and dining experiences. The entire area, including Knott's Berry Farm and the Entertainment Corridor Specific Plan area, is envisioned as the entertainment focal point highlighting Buena Park. Staff feels that the proposed food hall use and thematic design will be an appropriate enhancement for the Mall providing additional dining opportunities for City residents, tourists, and Mall patrons, consistent with General Plan and Zoning requirements. Therefore, Staff concludes that the proposed food hall, including on-site sale and consumption of alcoholic beverages, outdoor dining patio areas, and live entertainment will complement the existing and anticipated uses within the mall and will not be detrimental to the adjacent residential neighborhood. As proposed, the project will contribute to the viability and vitality of the intended regional commercial area.

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

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on July 13, 2017 and 54 notices were mailed to property owners within 300 ft. radius of the subject property on July 13, 2017.

Chair Diep asked if there were any questions for staff.

Commissioner Barstow asked staff to confirm that there will be only minor modifications to the building exterior and said he favors the proposed project but would like to know how it will be ensured that no alcohol is consumed beyond the proposed fence around the patio dining area. Commissioner Barstow also asked about the approval process for rooftop signs and commented that he does not find the proposed rooftop sign attractive.

Mr. Woods confirmed that there will be only minor modifications to the existing building. He explained that there will be adequate security staff and signage to ensure that consumption of alcohol will be only within the food hall premises and designated outdoor dining areas.

Mr. Rosen explained that similar rooftop signs have been approved, depending on the design of the respective locations.

Commissioner McGuire asked if the existing restaurant tenants will be retained.

Commissioner Schoales asked about the stage area for live musical performances.

Chair Diep 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.

Philip H. Otto, project designer, 1340 E. 6th Street, Los Angeles, CA 90290, said the musical performances will not need a large stage and will complement the family-oriented theme of the proposed operation. He said the decision about retaining the existing restaurant tenants will be made by Mall management.

Rita Lacuesta, 8215 Mercury Drive, Buena Park, CA, provided a statement, relayed by Mr. Rosen, expressing concern about adequate security at the Mall.

Mr. Rosen said a security plan will be submitted for review and approval by the Police Chief and the Director of Community Development.

There being no one else wishing to speak on the matter, Chair Diep closed the public hearing and 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 Resolution approving Conditional Use Permit No. CU17-25835 with findings of fact and conditions therein.

**RESOLUTION NO. 6061
CONDITIONAL USE PERMIT NO. CU17-25835**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU17-25835, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION WITH OUTDOOR DINING AND LIVE ENTERTAINMENT AT AN APPROXIMATELY 15,905 SQ. FT. FOOD HALL EATING ESTABLISHMENT LOCATED AT 8340 LA PALMA AVENUE WITHIN THE CR (REGIONAL COMMERCIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

AYES: 6 COMMISSIONERS: Barstow, Capelle, Chung, McGuire, Schoales and Diep
NOES: 0 COMMISSIONER:
ABSENT: 1 COMMISSIONER: Agrusa
ABSTAIN: 0 COMMISSIONERS:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Saltzberg said the continued item from this meeting will be considered at the next Planning Commission meeting.

STAFF REPORTS:

Mr. Rosen gave an update on City Council Study Session item regarding City participation in Fullerton Joint Union High School District facility improvement projects.

COMMISSION REPORTS:

Commissioner Barstow said he will be unable to attend the second Planning Commission meeting in August.

Chair Diep recommended items for future Planning Commission Study Session such as parking standards in the City and design standards for small-parcel developments.

Chair Diep said she intends to strictly enforce the 5-minute time limit for speakers and asked about the possibility of reducing the time limit to 3 or 4 minutes similar to time limits in other cities.

Mr. Fox said the current 5-minute time limit may not apply to the applicant who will most likely be asked to respond to several questions. Mr. Fox will look into the option to reduce the 5-minute time limit to 3 or 4 minutes.

ADJOURNMENT: At 8:50 p.m., Chair Diep adjourned to the Planning Commission meeting of August 9, 2017, Wednesday, at 7:00 p.m. in the City Council Chamber.

Deborah Diep
Chair


ATTEST:

Joel W. Rosen, AICP
Secretary

DRAFT



TO: Chair Diep and Planning Commissioners

FROM: Joel W. Rosen, AICP, Community Development Director 

DATE: August 4, 2017

SUBJECT: **PLANNING COMMISSION STUDY SESSION - AUGUST 9, 2017
ZONE CHANGE NO. Z16-002; DEVELOPMENT AGREEMENT NO.
DA16-008; TENTATIVE PARCEL MAP NO. PM17-24937
5801 HOMEWOOD**

Staff has received the attached revised parking plan from the applicant for the ground level of the proposed 4 unit condominium project. In response to Planning Commission direction at the July 26, 2017 meeting, the revised plan eliminates tandem parking. Parking is provided within the ground level parking garage with on-street parking permitted in front of the building.

The revision eliminates the garage doors previously facing Homewood Avenue and provides a 9.5 ft. landscaped front setback. Vehicle entry and exit to the 12 parking spaces within the parking garage will be provided with on-site access between Homewood and the alley to the west.

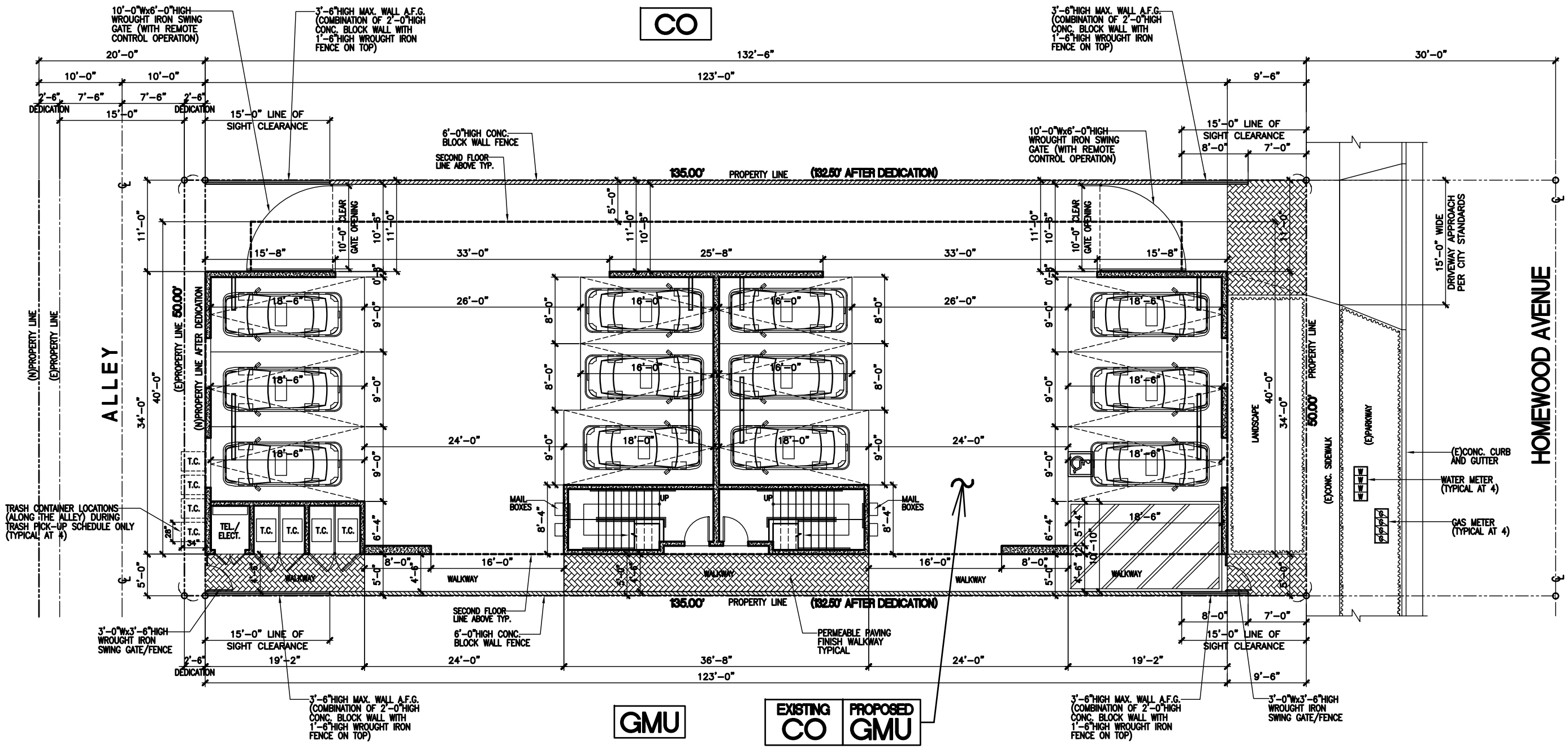
Based on Planning Commission discussion at this Study Session, the revised parking plan may be incorporated as part of the proposed project to be considered during a future public hearing.

Attachment: Parking Plan

GMU

CO

RS-6



GMU

EXISTING CO
PROPOSED GMU

3'-6" HIGH MAX. WALL A.F.G.
(COMBINATION OF 2'-0" HIGH
CONC. BLOCK WALL WITH
1'-6" HIGH WROUGHT IRON
FENCE ON TOP)

3'-0" x 3'-6" HIGH
WROUGHT IRON
SWING GATE/FENCE