

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
August 23, 2017

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on August 23, 2017, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Diep presiding.

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

ABSENT: COMMISSIONER: Barstow

Joel W. Rosen, AICP, Director of Community Development
Jay Saltzberg, Planning Manager
Brady M. Woods, Senior Planner
Iris Lee, Assistant City Engineer
Patricia Malagon, Planning Intern
MinJee Hahm, Planning Intern
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES

Meeting of August 9, 2017
Study Session of August 9, 2017

RECOMMENDED ACTION: Approve

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

AYES: 6 COMMISSIONERS: Capelle, Agrusa, Chung, McGuire, Schoales and Diep

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Barstow

ABSTAIN: 0 COMMISSIONER:

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 a date uncertain to allow for preparation of revised plans

Chair Diep asked if there were any questions for staff and if there is anyone wishing to speak on the matter.

There being no questions for staff and no one wishing to speak on the matter, Chair Diep advised that this item requires a Minute Action to continue to a date uncertain.

Commissioner Capelle moved, and Commissioner McGuire seconded, the motion to continue to a date uncertain.

The MOTION CARRIED unanimously.

AYES: 6 COMMISSIONERS: Capelle, McGuire, Agrusa, Chung, Schoales and Diep

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Barstow

ABSTAIN: 0 COMMISSIONER

NEW BUSINESS:**3. CONDITIONAL USE PERMIT NO. CU17-25721**

A request to establish the sale of beer and wine for on-site consumption with outdoor dining and live entertainment at an existing barbecue restaurant and existing coffee & tea shop at 8002 Orangethorpe Avenue, Suites A and B within the GMU (General Mixed Use) zone. The project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER: City Yard Housing Partners, L.P.
17701 Cowan Avenue, Suite 200
Irvine, CA 92614

APPLICANT: Wu Jen Enterprises, Inc.
8191 7th Street
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Diep, Ms. Santos stated that staff distributed a memo from Joel Rosen, Director of Community Development, summarizing the August 17, 2017 Community Meeting.

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

The subject site is zoned GMU (General Mixed-Use) and is developed with a 70-unit affordable housing development including leasing office and lobby areas, recreation and open space, and approximately 5,900 sq. ft. of non-residential flex space. Parking facilities are located on the ground level of the development. The properties to the north, across Orangethorpe Avenue, are zoned CM (Commercial Manufacturing) and developed with an auto repair facility and a multi-tenant office/industrial development. The properties to the east and south are zoned GMU and developed with new multi-family residences. The properties to the west, across Stanton Avenue, are zoned CG (Commercial General) and CO (Commercial Office) and are developed with a multi-tenant office building and the Salvation Army Thrift Store as well as Pendleton Elementary School, respectively.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU17-25721 with findings of fact and conditions.

In 2007, the former Redevelopment Agency began assembling property southeast of Orangethorpe and Stanton Avenues. The assembled properties, centered around the former City Maintenance Yard, included substandard structures with irregular lot configurations. Former Redevelopment Agency housing set-aside funds were used to acquire a total 10-acre site to revitalize the area with new affordable housing. The subject site was previously developed with a multi-tenant commercial center that included a liquor store and a restaurant that served alcohol for on-site consumption

In 2011, the former Redevelopment Agency entered into an Exclusive Negotiation Agreement with homebuilder City Ventures to develop the site with single-family townhomes. In an effort to include a quality affordable rental housing project at the site, non-profit developer Jamboree Housing was selected to partner with City Ventures. Jamboree Housing completed the successful *Park Landing* project in Buena Park in 2013. During the planning process for the project, state law abolished redevelopment agencies and changed the requirements for former agencies to utilize housing assets. The development plan evolved in order to meet these new requirements, resulting in 140 townhomes developed by City Ventures on approximately 8 acres and a 70-unit affordable rental apartment complex developed by Jamboree Housing on approximately 2 acres of the site.

In February 2014, the City Council approved Development Agreement DA14-001 to construct the 70-unit affordable housing development including leasing and lobby areas, recreation

and open facilities, 5,900 sq. ft. of non-residential flex space, and other site improvements on the 2-acre site. Construction of the development (now known as Clark Commons) was completed in August 2016. However, selection of the tenants for the non-residential flex space and build out of the restaurants and community room was completed in July 2017.

The submitted application and plans propose the sale of beer and wine for on-site consumption with outdoor dining and live entertainment in conjunction with a new fast-casual dining and beverage business which recently began operation at 8002 Orangethorpe Avenue, as part of the approximately 5,900 sq. ground floor area of the Jamboree apartment building. The associated approximately 600 sq. ft. barbecue restaurant and approximately 350 sq. ft. beverage outlet are under single ownership and occupy a shared approximately 1,400 sq. ft. interior common dining area adjacent to an approximately 1,100 sq. ft. common outdoor seating area. The approximately 1,000 sq. ft. entry foyer and restroom areas are shared spaces with the approximately 1,600 sq. ft. community room. The barbecue restaurant will serve beer for on-site consumption. The coffee/tea café will serve wine for on-site consumption during evening hours. Service of beer and wine within the outdoor patio area will be only within an enclosed area with entry and exit only from within the building.

Hours of operation for the barbecue restaurant are from 11:00 am to 11:00 pm daily including proposed service of beer for on-site consumption. Hours of operation for the beverage café are from 6:00 am to 9:00 pm, with proposed service of wine for on-site consumption between 5:30 pm to 9:00 pm. The project is conditioned so that closing hours of operation for beer and wine service shall not exceed 11:00 pm daily indoors, and shall not exceed 10:00 pm daily outdoors. There will be approximately 10 employees per shift. The interior and exterior areas allow seating for approximately 119, including common social gathering areas for residents of the development and customers of the business.

Parking for the restaurant and beverage establishment was previously included in the calculations for DA14-001, which included this sub-tenant space. DA14-001 approved a total of 137 parking spaces throughout the site. Parking for the restaurant/beverage business will include a total of 27 designated parking spaces available to patrons, including 17 on-site parking spaces, 10 parking spaces on Ackerman St (a private street). In addition, an off-site parking agreement is being finalized that will allow use of 53 parking spaces in a parking lot located across the street at 8061 Orangethorpe Avenue, A.C. Industrial Properties LLC, for special events and overflow parking on weekdays after 5:00 pm and on weekends. (See Attachment 6)

As described in the attached Business Plan, the operator of the business is proposing to operate as a community center to support local non-profits and schools, including entertainment events for adults and children anticipated focusing on local musicians and DJ's, karaoke, and televised sports. There will also be community activities including art and acting classes, networking, game nights, and charity events with the associated community room. The operations of the community room will be closely managed by the Clark Commons to ensure programming schedules complement peak parking demands of the restaurants. The applicant has also submitted an Entertainment Permit for review and approval by the Community Development and Police Departments pursuant to the Business Plan.

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 site are adequate to support the new fast-casual dining and beverage business with patio dining with the addition of sale of alcoholic beverages for on-site consumption, as conditioned. Staff believes that on-site sale and consumption of alcoholic beverages will be an appropriate amenity in the context of the restaurant and beverage establishments. The proposal to allow interior and exterior patio area consumption of beer and wine will not negatively impact the subject and surrounding properties, as conditioned.

In Staff's opinion, the proposed operating hours are appropriate for the new fast-casual dining and beverage business with patio dining which recently began operation and are consistent with other similar approvals in the area. Parking for the eating establishment was previously included in the calculations for DA14-001, which included this sub-tenant space, with a total of 137 throughout the site. Also, upon review of the applicant's request, the Police Department has indicated that they have no objection to the proposed on-site sale and consumption of alcoholic beverages, as conditioned.

A Community Meeting was held at the location regarding the proposal on Thursday, August 17. Staff will report to the Planning Commission under separate cover the results of the Community Meeting.

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 August 10, 2017, and 23 notices were mailed to property owners within 300 ft. radius of the subject property on August 10, 2017. Additionally, public hearing notices were distributed to the tenants of the Clark Commons (Jamboree) Apartments.

Chair Diep asked if there were any questions for staff.

Commissioner McGuire noted that the restaurant is adjacent to Pendleton Elementary School and asked if the Department of Alcoholic Beverage Control (ABC) has restrictions on establishments that serve alcohol in close proximity to a school.

Mr. Rosen said ABC has no prohibition by Code on establishments serving alcohol that are in close proximity to a school, and that these applications are usually deferred to the local agency for discretionary review. There are instances, Mr. Rosen said, where ABC adds restrictions that are more stringent than the CUP. He also explained that beer and wine will be served with food, in a restaurant setting, not at a bar.

Mr. Rosen added that the Superintendent of the School District received notifications of the community meeting and the Planning Commission meeting. Mr. Rosen said the Superintendent was informed that conditions were included to address his and community meeting attendees' concerns about impact of alcohol sales on the adjacent Pendleton Elementary School.

Commissioner Agrusa asked about the time frame allowed for musical entertainment.

Mr. Saltzberg said that music will be allowed until 11 pm. He added that because this is the first mixed-use project for Jamboree Development, the owner/manager of the complex, there

will be strict monitoring to ensure smooth operation of the restaurant so as to eliminate disturbances to the neighbors.

Commissioner Diep noted that the music will be required to be contained indoors and asked what measures will assure that this occurs.

Mr. Rosen said the restriction will be included in the Entertainment Permit or the CUP.

Commissioner Agrusa asked how loud the music will be and how future noise complaints, if any, will be addressed by staff.

Mr. Rosen said the music will be background music such as acoustic guitar, with periodic karaoke nights, and the proposal includes an exit plan from doors farthest from the source of music, to eliminate noise when the door opens.

Mr. Rosen said the applicant will have to obtain an entertainment permit and comply with conditions therein. He added that the entertainment permit can be modified to ensure stricter compliance, or revoked if conditions are not adhered to, including conditions restricting noise. Mr. Rosen said there is also a recourse to return the Conditional Use Permit to the Planning Commission for revocation.

Commissioner Chung asked if the restaurant is open to the public.

Mr. Saltzberg said the restaurant is open to the public.

Commissioner Schoales asked if there is a condition that restricts the hours of entertainment.

Mr. Saltzberg said there is no specific condition that restricts the hours of entertainment beyond the restaurant operating hours.

Mr. Rosen said the restrictions on entertainment are established through the entertainment permit process.

Commissioner Schoales noted that ten street parking spaces on Ackerman Street are for the exclusive use of restaurant patrons until 9:00 P.M. He noted that the restaurant proposes to close at 11:00 p.m. and asked if there will be adequate parking onsite for apartment residents.

Mr. Rosen said there will be adequate parking for restaurant customers and apartment residents. He said there 27 designated parking spaces for restaurant patrons in addition to onsite parking spaces.

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.

Archie Holton, representing applicant Wu Jen Enterprises, Inc., 8191 7th Street, Buena Park, CA 90621, said the restaurant currently closes at 8:00 p.m. He said the proposal to extend the closing time to 11 pm is to allow the customers to be able to view the occasional televised sporting events shows that extend past 8:00 p.m. He said the restaurant has effective sound insulation, and most of the clientele are locals who walk in to relax with their

friends and neighbors, including children such as those who enjoyed the artwork of the "Looney Tunes" artist last Sunday. Mr. Holton said art classes will also be conducted for adults. He added that the restaurant will also do charity events for causes such as Juvenile Cancer Research. The goal, Mr. Holton said, is to create a place for families to gather together.

In Kyung Hwang, 8002 Orangethorpe Avenue, #401, Buena Park, CA 91748, as translated by Planning Intern MinJee Hahm, expressed concern about possible lack of parking for apartment residents, possibly leading to cars being towed if parked wrong. She said there are children in the apartments who have to sleep early, around 8:00 p.m., especially on a school night. Ms. Kwang said the sounds from the music and karaoke, and customers drinking beer and wine and talking and loitering outside to smoke, will keep her children awake past 8:00 p.m.

Pastor Dongchul Kim, 8002 Orangethorpe Avenue, Buena Park, CA 91748, as translated by Planning Intern MinJee Hahm, said the residents in the apartment complex want to live peacefully, to be able to come home after work and relax in silence, without outside noise. He said he has four children and, like the other residents in the apartments who have children, he would not want noise disturbing the children's study hours in the evening. He said he recently observed groups of people talking and smoking past 10:00 p.m. even though the current restaurant closing time is 8:00 p.m. Pastor Kim said he and other residents were not previously aware that there would be an establishment with entertainment including the sale of beer and wine. He said he is concerned about the potential for crime when alcohol is served and he relayed his concerns to the apartment manager, prior to this Planning Commission meeting. Pastor Kim said music, which can be noise, does not necessarily bring about a peaceful environment. He asked the Planning Commissioner and staff to imagine music playing in the background while the Planning Commission meeting is taking place.

Mrs. Kim, 8002 Orangethorpe Avenue, Buena Park, CA 91748, as translated by MinJee Hahm, expressed concern that proposed sale of beer and wine, activities such as deejays, television sports, and karaoke, and the 11:00 p.m. closing time will result in noise that will keep her children up late at night, and that the restaurant is across the street from Pendleton School. Mrs. Kim said when she opens her windows, the smell of barbecue is in the air instead of the scent of fresh air. She added that she brought her children to this Planning Commission meeting to show that her children have to be reminded to be quiet, just as it is important to ask the restaurant to give the residents the same courtesy.

Chair Diep asked if the ventilation system for the restaurant can be part of this discussion.

Mr. Fox said that the ventilation system is not part of the application being considered at this meeting.

Commissioner Agrusa asked if the residents knew, prior to their moving in to the apartments, that the ground floor will be occupied by a business.

Chair Diep said the site is located within a mixed-use zone.

Commissioner Capelle asked if the residents were informed of the nature of the business that would be occupying the ground floor.

Vicky Ramirez, Project Manager, Jamboree, 17701 Cowan Avenue, Suite 200, Irvine, CA 92614, said the tenants, although aware that the ground floor was not for residential use, were not informed of the type of business that would occupy the ground floor because Jamboree did not, at that time, know the nature of the business. The tenants were, however, informed that parking will be available to them. Ms. Ramirez said Jamboree supports the proposal and reiterated that they are accountable to the residents as well as to the regulating City and State agencies; thus, they will ensure that parking is adequate and that the residents are not negatively impacted by the proposal.

Commissioner Capelle asked if the apartments are fully leased.

Desi Esguerra, Property Manager, 8004 Orangethorpe Avenue, #111, Buena Park, CA 90621, said all 70 units are fully leased and that there are currently 3,200 applicants on the waiting list.

Chair Diep reminded the applicant and the property manager to share their contact information with the residents and the public, for any questions or concerns.

Mr. Holton said his contact information is available on the website and is prominently displayed outside the property manager's office.

Commissioner Schoales expressed concern that the closing time of 11:00 p.m. will result in inadequate parking onsite for apartment residents. He recommended a closing time of 9:00 p.m. and suggested that prominent parking signs be displayed, including signs directing restaurant customers to the parking area.

Commissioner Agrusa asked if the recommended 9:00 p.m. closing time also applies to the sale of alcohol.

Chair Diep clarified that the sale of alcohol will cease at the closing time.

Commissioner McGuire asked if the parking spaces assigned to the tenants are being utilized.

Ms. Ramirez said that the tenants use their designated parking spaces.

Commissioner Schoales asked if there will be prominent signs, such as with the restaurant logo, directing the restaurant customers to the parking area.

Ms. Ramirez said Jamboree is working closely with Mr. Holton on signage to clearly identify parking for the restaurant. She said the signs will be submitted to the City for approval.

Chair Diep directed staff to ensure that prominent parking signs are installed.

Commissioner Capelle recommended that Condition No. 8, page 3 of the Resolution, be modified with conditions limiting the volume of interior amplified music, requiring that the exit door nearest to the entertainment area not remain open during performances and redirecting exiting customers to alternative doors, closing time of 9:00 p.m. Sunday to Thursday, and 11:00 p.m. on Friday and Saturday with outdoor dining areas closed between 9 p.m. and 7 a.m. daily, and identification of restaurant parking.

Chair Diep and Commissioners Schoales and Capelle also recommended that the item be brought back to Planning Commission, for a review, in six months

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 Capelle moved, and Commissioner Agrusa seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU17-25721 with findings of fact and conditions therein and with modifications to Condition No. 8, page 3, limiting the volume of interior amplified music, requiring that the exit door nearest to the entertainment area not remain open during performances and redirecting exiting customers to alternative doors, closing time of 9:00 p.m. Sunday to Thursday, and 11:00 p.m. on Friday and Saturday with outdoor dining areas closed between 9 p.m. and 7 a.m. daily, identification of restaurant parking, and a review of the Conditional Use Permit by Planning Commission six months after operation.

**RESOLUTION NO. 6063
CONDITIONAL USE PERMIT NO. CU17-25721**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU17-25721, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION WITH OUTDOOR DINING AND LIVE ENTERTAINMENT IN CONJUNCTION WITH OPERATION OF A FAST-CASUAL DINING AND BEVERAGE BUSINESS LOCATED AT 8002 ORANGETHORPE AVENUE, SUITES A & B WITHIN THE GMU (GENERAL MIXED USE) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

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

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods announced that the next Planning Commission agenda will include a request to operate a karaoke business with sale of beer, wine and spirits at 8560 Beach Boulevard, next to Farrell's Ice Cream.

STAFF REPORTS:

Mr. Rosen reported on City Council approval of Complete Streets Master Plan. He also gave updates on Phase 2 of The Source which was discussed at the August 22 City Council Study Session, and the Marijuana Ordinance.

Mr. Woods introduced Planning Interns Patricia Malagon and MinJee Hahm.

COMMISSION REPORTS:

Mr. Rosen presented Commissioner Schoales with a plaque of recognition as Chair of Planning Commission from July 2016 to July 2017.

ADJOURNMENT: At 8:25 p.m., Chair Diep adjourned to the Planning Commission meeting of September 13, 2017, Wednesday, at 7:00 p.m. in the City Council Chamber.

Deborah Diep
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary