

**CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
January 9, 2019**

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on January 9, 2019, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair McGuire presiding.

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

Joel W. Rosen, AICP, Director of Community Development
Brady M. Woods, Planning Manager
Braulio M. Moreno, Assistant Planner
John W. Lam, Assistant City Attorney
Ruth Santos, Senior Administrative Assistant

- 1. **APPROVAL OF MINUTES**
 - November 28, 2018
 - December 12, 2018 Adjourned Meeting
 - December 26, 2018 Adjourned Meeting

RECOMMENDED ACTION: Approve

Commissioners Chung and Desai abstained from voting on this item due to their absence from the meeting of November 28, 2019.

AYES:	5	COMMISSIONERS:	Barstow, Diep, Capelle, Schoales, and McGuire
NOES:	0	COMMISSIONER:	
ABSENT:	0	COMMISSIONER:	
ABSTAIN:	2	COMMISSIONERS:	Chung, Desai

PUBLIC HEARING:
NEW BUSINESS:

- 2. **CONDITIONAL USE PERMIT NO. CU18-34158**

A request to allow the sale of beer and wine for on-site consumption at a full service restaurant (Oppa Gopchang Restaurant) located at 5300 Beach Boulevard, Suite 115 in the Community Shopping (CS) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facilities).

APPLICANT: Oppa Gopchang, Inc.
5300 Beach Boulevard, Suite 115
Buena Park, CA 90621

PROPERTY OWNER: B & S Plaza #1, Inc.
6050 Beach Boulevard
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was presented by Braulio M. Moreno, Assistant Planner.

Mr. Moreno stated that the property under application is located at 5300 Beach Boulevard unit #115 located south of Malvern Avenue (erroneously described in the staff report as "north of Malvern Avenue") and east of Beach Boulevard. It carries a General Plan designation of Commercial General, a Zoning classification of CS (Community Shopping), and a total land area of 1.65 acres (approximately 71,900 square feet). The parcel is developed with two commercial structures. The commercial center consists of 2 buildings with multiple tenants with various uses such as retail and food establishments.

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Commercial Office Mix-Use	CS	Commercial Shopping Center
South	Commercial Office Mix-Use	CS	Commercial Shopping Center
East	High-Density Residential	RM-20	Commercial Shopping Center
West	Commercial Office Mix-Use	CS	Commercial Shopping Center

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU18-34158 with findings of fact and conditions.

The site is developed with an integrated shopping center containing a variety of retail, office and food establishments. The development of the shopping center was originally approved via Site Plan SP-947 by the Planning Commission in 1988. The subject tenant space is currently vacant and interior tenant improvement construction drawings are under plan check review for a restaurant. No exterior changes are proposed. A restaurant use is an allowed use by-right in the CS zone. The previous use of the subject tenant space was retail. Since 1988, two Conditional Use Permits have been approved at a different tenant space. Conditional Use Permit CU-1078 was approved in 1991 for the sale and on-site consumption for beer and wine in connection to a previously existing sushi restaurant. Conditional Use Permit CU-1115 was approved in 1994 to upgrade the Type 41 beer and wine license to Type 47 to allow sale of beer, wine and distilled spirits for on-site consumption.

The applicant has submitted an application, development plans, and business plan requesting Planning Commission approve the proposed sale of beer and wine for on-site consumption at a Korean restaurant, "Oppa Gopchang". As conditioned, alcoholic beverage sales will be incidental to the sale of food. The 992 sq. ft. restaurant includes 29 indoor seats. There will have no outdoor dining. Employees will be required to attend the California Department of Alcoholic Beverage Control in Responsible Beverage Service Training. The restaurant will serve traditional Korean BBQ with other various Korean fusion cuisine. Proposed hours of operation are 10:00 am to 2:00 am daily and expected hours of delivery time for restaurant is approximately 10:00 am to 11:00 am daily. Other similar establishments in the area currently operate till 2am.

Section 19.512.010 of the City Code requires the applicant to obtain Planning Commission approval to allow the sale of beer and wine for on-site consumption in conjunction with a full service restaurant via the Conditional Use Permit process. In reviewing the applicant's request, staff reviewed plans, visited the property and is of the opinion that the facility and site are adequate to support the establishment of 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 full service restaurant and will not negatively impact the subject or surrounding properties.

As conditioned, the on-site sale and consumption of beer and wine will be incidental to the full service 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. Staff has determined that the 102 on-site shared parking spaces are sufficient to meet the Zoning Code parking requirements for all currently approved uses.

In Staff's opinion, the proposed operating hours are appropriate for the restaurant and are consistent with other similar approvals in the area. Also, upon review of the applicant's request, the Buena Park Police Department has indicated in a memo dated December 26, 2018, that they have no objection to the applicant's proposal for on-site sale and consumption of alcoholic beverages or the extended daily hours operation to 2:00 am, as conditioned.

The project is Class 1, Section 15301 (Existing Facilities), categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on December 21, 2018, and 28 notices were mailed to property owners within 300 ft. radius of the subject property on December 21, 2018.

Chair McGuire asked if there were any questions for staff.

Commissioner Desai asked the applicant if the proposed business will operate 365 days a year.

Commissioner Diep asked if the restaurant will, on special occasions, deviate from the proposed business hours.

Chair McGuire 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.

Dong Kyu Min, applicant representative, 20449 Via Galileo, Porter Ranch, CA 91326, said the restaurant will most likely be closed for business on major holidays such as Christmas and New Year, and the business hours will be as proposed.

Mr. Rosen said the proposed hours of operation, as stated in the staff report, are 10:00 am to 2:00 am daily.

Commissioner Schoales expressed his satisfaction that staff added a condition requiring the applicant to ensure that the front windows remain sufficiently uncovered to allow unobstructed view into the restaurant from the outside.

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

Commissioner Capelle moved, and Commissioner Schoales seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU18-34158 with findings of fact and conditions therein.

**RESOLUTION NO. 6140
CONDITIONAL USE PERMIT NO. CU18-34158**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU18-34158, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT A FULL SERVICE RESTAURANT LOCATED AT 5300 BEACH BOULEVARD #115, WITHIN THE CS (COMMUNITY SHOPPING) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods announced that Planning Commission will consider, at the meeting of January 23, 2019, a request to modify development plans on previously approved Development Agreement No. DA16-001 (Hotel Stanford).

STAFF REPORTS:

Mr. Rosen reported on 1) City Council approval of a resolution denying a one-year extension request to complete construction of the Butterfly Palladium project; 2) City Council denial of an appeal of Planning Commission approval of the Los Coyotes project; and 3) City Council study session on the Buena Park Navigation Center Open House held on December 17, 2018, and the proposed facility at 7101 Lincoln Avenue.

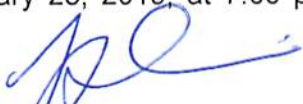
In response to Commissioner Barstow, Mr. Rosen gave an update on the former Orchard Supply Hardware site.

Commissioner Capelle asked staff to include the Stanford Hotel approval minutes in the staff report on the modification request scheduled for the January 23, 2019 Planning Commission meeting.

COMMISSION REPORTS:

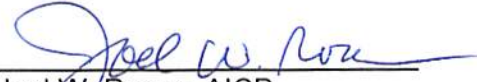
None

ADJOURNMENT: At 7:20 p.m., Chair McGuire adjourned to the regularly scheduled Planning Commission meeting on Wednesday, January 23, 2019, at 7:00 p.m. in the City Council Chamber.



Richard McGuire
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary