

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
January 14, 2015

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on January 14, 2015, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Chung presiding.

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

ALSO PRESENT:

Joel W. Rosen, AICP, Community Development Director
Jay Saltzberg, Planning Manager
Michael Ressler, Senior Planner
Monique Schwartz, Assistant Planner
Nabil Henein, Assistant City Engineer
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

1. APPROVAL OF MINUTES Meeting of December 17, 2014

RECOMMENDED ACTION: Approve

Commissioner Gonzales moved, and Commissioner Barstow seconded, the motion to approve this item.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

PUBLIC HEARING:

NEW BUSINESS:

2. CONDITIONAL USE PERMIT NO. CU14-009

A request to establish the sale of beer and wine for on-site consumption within an existing full service restaurant located at 7850 Commonwealth within the CG (Commercial General) zone.

PROPERTY OWNER: Sanega & Associate, Inc.
13013 E. 166th Street
Cerritos, CA 90703

APPLICANT: JY & JW, Inc. dba HanKki Restaurant
7850 Commonwealth Avenue
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

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

The staff report was presented by Monique Schwartz, Assistant Planner. The subject site is zoned CG (Commercial General) and developed with a multi-tenant retail center and associated parking lot. The properties to the north, across Commonwealth Avenue, are zoned CG (Commercial General) and developed with a liquor store, dental office and acupuncture clinic. The properties to the south are zoned RS-6 (One Family Residential) and developed with single family homes. The properties to the east are zoned CG (Commercial General) and developed with an automotive shop and a single family residence. The property to the west is zoned CG (Commercial General) and developed with a two story multi-tenant office building.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU14-009 with findings of fact and conditions.

The site under application is located on the south side of Commonwealth Avenue, on the southwest corner of Commonwealth and Darlington Avenues. The property has a street frontage of 133 ft. along Commonwealth Avenue and 150 ft. along Darlington Avenue. The construction of the commercial building was approved by the Planning Commission in 1965 via Site Plan No. SP-340 and the building exterior and parking lot were recently modified in 2014 via ID14-006.

The applicant has submitted an application and plans requesting Planning Commission approval to establish the sale of beer and wine for on-site consumption ancillary to the operation of the 1,000 sq. ft. restaurant, which has been in operation since April 2014. Han Kki Restaurant is a full service restaurant that specializes in authentic home-style Korean cuisine. According to the submitted business plan, specific types of beer and wine will be served to complement the dishes on the menu as an amenity to food service. The beer and wine will only be sold in bottles, as indicated by the restaurant operator. The hours of operation for Han Kki Restaurant are 11:00 a.m. to 10:00 p.m. Monday through Saturday and 11:00 a.m. to 9:00 p.m. on Sunday. No interior modifications are being proposed.

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

Adequate separation is provided between the restaurant location and the adjacent residential properties located between 100-150 ft. to the south, southeast and southwest. In addition, the existing block wall and trash enclosure along the west property line provides buffering between the subject suite and the adjacent residential neighborhood to the west, and a combination chain link fence block wall and landscaping along the south property line provides buffering between the subject site and the residential neighborhood to the south. A rear access door is located on the south side of the restaurant, adjacent to the storage room and kitchen and is used for customer entrance/exiting, maintenance and deliveries for the restaurant.

As conditioned, the on-site sale and consumption of beer and wine will be incidental to the restaurant use. To reaffirm the incidental use, staff is recommending a condition that requires gross food sales receipts to exceed gross receipts of alcoholic beverages and those alcoholic beverages be served only in conjunction with food sales. In order to create consistency with approvals of restaurants of similar size and operational characteristics in the area, including sale and service of beer and wine for on-site consumption, and in order to assure compatibility with adjacent residential uses, staff has included a condition limiting the hours of operation from 11:00 a.m. to 10:00 p.m. Monday through Saturday and 11:00 a.m. to 9:00 p.m. on Sunday, and as proposed by the applicant. The Buena Park Police Department reviewed the proposal and has no objections to the sale of beer and wine as an incidental use to the existing full service restaurant.

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 December 4, 2014, and 38 notices were mailed to property owners within 300 ft. radius of the subject property on December 4, 2014.

Chair Chung asked if there were any questions of staff.

Commissioner Schoales referred to Planning Condition No. 8 requiring the removal of the existing dark tinting on the front windows. He suggested that the window tint be allowed to remain up to five feet above ground. He said this would provide a degree of privacy for customers seated by the front window, but still achieve the goal of having visual access to the interior of the restaurant. Commissioner Schoales commented on the attractive new design of the restaurant.

Commissioner Gonzales asked, and staff confirmed, that no modifications are proposed within the structure and that the applicant is requesting approval only for the sale of beer and wine for on-site consumption.

Chair Chung 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.

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

Commissioner Schoales moved, and Commissioner McGuire seconded, the motion to adopt the Resolution approving Conditional Use Permit CU14-009 with findings of fact and conditions therein.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 5940
CONDITIONAL USE PERMIT NO. CU14-009**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU14-009, TO ESTABLISH THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT AN EXISTING FULL SERVICE RESTAURANT WITHIN AN INTEGRATED RETAIL CENTER LOCATED AT 7850 COMMONWEALTH AVENUE IN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

3. DEVELOPMENT AGREEMENT NO. DA14-007

A request to consider a recommendation to the City Council for a Development Agreement to construct a 6,750 sq. ft. Rock & Brews full service restaurant to include a 3,400 sq. ft. outdoor dining patio and associated parking lot and site improvements as well as the sale of alcoholic beverages for on-site consumption, located at 7777 Beach Boulevard within the ECSP (Entertainment Corridor Specific Plan) zone.

PROPERTY OWNER: City of Buena Park as
Successor Agency
6650 Beach Boulevard
Buena Park, CA 90620

APPLICANT: Mesko Ventures, LLC
808 The Strand
Hermosa Beach, CA 90254

RECOMMENDED ACTION: Adopt Resolutions recommending City Council Approval

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

The staff report was presented by Michael Ressler, Senior Planner. The subject property is zoned ECSP (Entertainment Corridor Specific Plan) and is vacant land which was previously developed with the former Hometown Inn Motel and India House Restaurant.

The property to the north is zoned ECSP and is developed with a Starbucks Coffee and the former Movieland Wax Museum building which is currently being occupied by the Bodies: the Exhibition and Titanic the Experience. The property to the south are zoned ECSP and is developed with the Sagan Restaurant. The property to the east, across Beach Boulevard, is zoned ECSP and is develop with the Radisson Suites hotel. The properties to the west are zoned RS-6 (One-family Residential) and are developed with single family homes.

Staff recommends that the Planning Commission adopt the attached Resolution recommending the City Council adopt an Ordinance approving Development Agreement No. DA14-007.

The property under application is located on the west side of Beach Boulevard, north of La Palma Avenue, with a street frontage of 250 ft. and land area of 1.39 acre. The site was originally developed with a 80-room motel and associated 2,000 sq. ft. restaurant which was approved by the City in 1960. Most recently, the Hometown Inn and India House restaurant occupied the site. In December 2008, the property was purchased by the Buena Park Redevelopment Agency and all site improvements were demolished to allow for future redevelopment. The long term vision for the property included entertainment venues, lodging, and restaurant uses. The subject property is currently owned by the City of Buena Park as Successor Agency to the former Community Redevelopment Agency.

On April 10, 2012, the City Council approved Specific Plan Amendment No. SPC12-002 which established four new Sub-Districts within the Entertainment Corridor Specific Plan in order to accommodate the properties formerly owned by the former Redevelopment Agency. Uses permitted for these Sub-Districts include entertainment venues, lodging, and restaurant uses subject to the Development Agreement process. The proposed Specific Plan Amendment was designed to guide future development of the properties formerly owned by the City's former Redevelopment Agency in order to comply with the long term vision for the Entertainment Corridor as identified in the City's General Plan.

The submitted application and plans propose construction a new 6,750 sq. ft. Rock and Brews restaurant to include an outdoor dining patio and associated parking lot and site improvements as well as the sale of alcoholic beverages for on-site consumption on the former Hometown Inn motel site. The restaurant floor plan has been configured to accommodate a dining room with seating for approximately 154 persons, as well as a banquet room, bar area, waiting area, restrooms and kitchen. The approximately 3,400 sq. ft. outdoor dining patio will be located in front of the restaurant building and wrap around the southerly edge of the building. The restaurant building will be located at the southeast corner of the site and will maintain a 32 ft. front setback along Beach Boulevard, 33 ft. side setback from the south property line, and a 120 ft. separation for the single-family neighborhood to the west. Proposed hours of operation for the restaurant will be 11:00 a.m. to 11 p.m. daily. The proposed restaurant operation also includes the on-site sale and consumption of alcoholic beverages.

The proposed Rock & Brews is an expanding restaurant chain with a total of seven locations in California, Florida, New Mexico, Kansas, and Mexico. Rock & Brews is an energized dining and entertainment concept offering affordable, high-quality American comfort food and a broad selection of international and craft brews, while immersing guests in a family-friendly rock 'n' roll experience. The menu presents a non-traditional and creative approach on fresh quality food, including wings, salads, burgers, sandwiches, and pizza,

along with a variety of diet-conscious, gluten-free and healthy options. Additionally, they offer a special menu for “li'l rockers” that is appropriately sized for children. Rock & Brews founders include Dave Furano, a well-known rock & roll concert tour promoter and includes as partners, Gene Simmons and Paul Stanley from the rock band, KISS.

Architecturally, the building has been designed to reflect the Rock & Brews corporate image. The building will maintain a combination red metal and grey stucco exterior with a grey metal roof. The metal roof will extend over the front patio to provide a covered dining area. In order to reinforce the rock and roll theme of the restaurant, the front elevation will feature super graphics representing rock and roll album cover artwork. The front patio will be surrounded by a 7 ft. tall wall made of stuccoed block and glass enhanced with rock and roll artwork on the interior and exterior faces. Signage for the restaurant will include channel letters on the north and south elevations of the building as well as a 40 ft. tall ground sign designed to resemble a guitar neck. In order to complement the new streetscape plan for Beach Boulevard, the site has been designed to bring the public sidewalk into the site and around the ground sign to create an interactive experience and photo opportunity. The front sidewalk will be enhanced with inlaid rock and roll vinyl albums and framed with accent landscaping. Once completed, the building and site will complement the rock and roll theme of the restaurant.

Vehicular ingress and egress to the site is currently proposed to be via a new 25 ft. wide driveway centrally located along Beach Boulevard. The City Traffic Engineer has conditioned that the driveway be modified to a width of 36 feet with a tapered driveway to 25 foot width to accommodate higher speed automobile turning and truck movements from Beach Boulevard. The proposed parking lot has been configured to accommodate 103 parking spaces, which exceed the 68 parking stall required by Code. The proposed restaurant will also be allocated 25 undesignated parking spaces on the adjacent City-owned property to the north. In order to provide direct access between properties, a 25 ft. wide driveway will be centrally located on the north property line. Additional site improvements include a new trash enclosure located near the southwest corner of the restaurant building, concrete walkways along the north and west elevations of the building, a new 10 ft. wide landscape setback along the entire west property line adjacent to residentially zoned properties including a new 6 ft. tall block wall, and strategic parking lot planters.

California Government Code Section 65865 et. seq. allows the City to enter into Development Agreements, which become contractual agreements between the City and property owners regarding development rights and performance standards. Development Agreements allow the City and property owner longer-term assurances in contractual form that current and future projects will meet the respective goals of both parties. Pursuant to the Entertainment Corridor Specific Plan, development of a full service restaurant on the subject property requires an executed Development Agreement. The Development Agreement process requires the Planning Commission to make a recommendation to the City Council prior to Council action.

In reviewing the applicant's request, staff reviewed plans and visited the site and surrounding area and is of the opinion that the site are adequate to support the proposed full service restaurant with the sale of alcohol for on-site consumption without negatively impacting the subject and surrounding properties. The sale of alcohol for on-site consumption is considered to be a typical amenity for a restaurant of the proposed character. Since the proposed restaurant will maintain a 120 ft. separation from the

residential neighborhood to the west which includes a 10 ft. wide landscape buffer and 6 ft. tall block wall, staff feels that there will be adequate buffering and separation from the sensitive residential neighborhood. The proposal has been reviewed by the City's Police Department which has no comments or concerns about the project.

The proposed restaurant building and associated site improvements, as conditioned, comply with the Zoning Ordinance requirements for circulation, access, landscaping, parking, and building design. Once completed, the site will have 128 available parking spaces, exceeding the Code prescribed 68 parking spaces. The new driveway along Beach Boulevard will provide appropriate vehicular access to the site and the 25 ft. driveway along north property line will encourage successful access between properties. Regarding building architecture, the proposed restaurant building will complement the surrounding entertainment related uses within the specific plan area and fulfill the land use and economic expectations of the Entertainment Corridor. The proposed building and site design reinforces the rock and roll theme of the restaurant and creates an interactive experience along the Boulevard.

The proposed Rock & Brews restaurant will assist in advancing the long term vision for this area along Beach Boulevard as identified in the City's General Plan. The property is located in the heart of the Entertainment Corridor Focus Area which is envisioned as a pedestrian-friendly and tourist-oriented destination that connects Knott's Berry Farm to the Mall and other visitor serving uses along Beach Boulevard. The mix of entertainment, world-class shopping, excellent dining, and high quality civic spaces are intended to create a regional destination where visitors can patronize local attractions without leaving the Entertainment Corridor. The proposed Rock & Brews restaurant will complement the vision for this area by providing a premier entertainment-focused dining opportunity along Beach Boulevard. Based on the limited number of locations, Rock & Brews will become a regional destination for tourists as well as residents.

The project is Class 32, Section 15332, categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Community Recreation Center on December 23, 2014, and 33 notices were mailed to property owners and residents within a 300 ft. radius of the subject property on December 23, 2014.

Chair Chung asked if there were any questions of staff.

Mr. Rosen said that this proposal is one of two major projects on former redevelopment properties along Beach Boulevard, the other being The Source. He added that the planned landscape improvement in front of the building within the public right-of way will include a sidewalk embedded with vinyl albums, which will be lit at night.

Commissioner Barstow asked how the 25 parking stalls, adjacent to the property, will be monitored. He said he was at the site last week and the parking lot was full from Starbucks and Titanic/The Bodies Exhibit customers.

Mr. Rosen said the City's long-term parking plan includes additional parking along the Edison Right-of-Way, which is in the planning stages. There will be about 200 additional parking spaces to the west, extending all the way to Stanton Avenue. The public parking spaces will be available to all uses in the Entertainment Corridor area. Mr. Rosen added

that Starbucks and Titanic/The Bodies Exhibits will most likely not be at the site in the near future.

Commissioner Barstow said he is concerned about the possibility of pedestrians meandering into the street in order to take photographs in front of the proposed restaurant.

Mr. Rosen said the proposed front landscape improvements will provide better protection for pedestrians. The design will move the sidewalk farther back from Beach Boulevard. There will also be a landscape buffer between the sidewalk and the street. Fences can also be installed, if necessary.

Commissioner Gonzales asked if the curb lines will remain on Beach Boulevard.

Mr. Rosen confirmed that the existing curb lines will remain on Beach Boulevard.

Mr. Henein said that the sidewalk, which is currently 7 ft. from the curb, will be 19 to 20 ft. from the curb.

Commissioner Gonzales noted that parking spaces on the former Movieland site are standard single spaces.

Mr. Rosen said parking will be upgraded.

Chair Chung 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.

Jon Mesko, applicant, Mesko Ventures, LLC, 808 The Strand, Hermosa Beach, CA 90254, responded to Commissioner Barstow's concern about the safety of pedestrians taking photos from in front of the building by saying that the better views of the proposed building and ground sign will be from the sides of the building.

In response to Commissioner Barstow's question about start of construction, Mr. Mesko said that, if approved, construction is anticipated to start in March with the anticipated opening in July.

In response to Commissioner Gonzales, Mr. Mesko said that live entertainment is not part of the concept but can be considered as an option in the future, subject to City's approval.

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

Commissioner Capelle moved and Commissioner Diep seconded the motion to adopt the following Resolution recommending City Council approval of Development Agreement No. DA14-007.

**RESOLUTION NO. 5941
DEVELOPMENT AGREEMENT NO. DA14-007**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVE DEVELOPMENT AGREEMENT NO. DA14-007 TO CONSTRUCT A 6,750 SQ. FT. ROCK & BREWS FULL SERVICE RESTAURANT TO INCLUDE A 3,400 SQ. FT. OUTDOOR DINING PATIO AND ASSOCIATED PARKING LOT AND SITE IMPROVEMENTS AS WELL AS THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION ON 1.39 ACRES OF LAND LOCATED AT 7777 BEACH BOULEVARD IN THE ECSP (ENTERTAINMENT CORRIDOR SPECIFIC PLAN) ZONE AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF BUENA PARK

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

AGENDA FORECAST:

Mr. Saltzberg said the following items are scheduled for the Planning Commission meeting of January 28, 2015:

1. A request to consider a recommendation to the City Council for a General Plan Amendment and Zone Change in conjunction with a Conditional Use Permit to remodel an existing legal non-conforming medical office building into a combination neighborhood restaurant and market;
2. A request to subdivide an existing one-parcel commercial property into a two-parcel commercial property; and
3. A Text Amendment establishing a requirement for public notice regarding large additions to single-family residences and new residences, and for the adoption of guidelines for large additions to single-family residences.

STAFF REPORT:

Mr. Rosen reported that City Council approved, on its January 13, 2015 meeting, the following items:

1. The 54-unit Olson project
2. Billboard Overlay Zone and the Development Agreement with Bulletin Displays

Mr. Rosen said City Council also discussed, at the same meeting, the urban forestry master plan and the new master plan for Larwin Park.

Mr. Rosen invited the Planning Commissioners to the 2015 Planning Commissioners Academy on March 4 to 6, at Fairmont Newport Beach. Those who wish to attend may contact Ruth Santos for registration.

COMMISSION REPORTS:

None

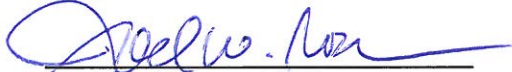
ADJOURNMENT:

At 7:40 p.m., Chair Chung adjourned the meeting to the Planning Commission meeting on Wednesday, January 28, 2015, in the City Council Chamber.



Jae Joon Chung
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary