

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
July 8, 2015

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on July 8, 2015, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Chung presiding.

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

ABSENT: COMMISSIONER: Barstow

ALSO PRESENT:

Joel W. Rosen, AICP, Community Development Director
Jay Saltzberg, Planning Manager
Michael Ressler, Senior Planner
Tiffany Lin, Planning Intern
David Jacobs, Assistant City Engineer
Craig Fox, Deputy City Attorney
Ruth Santos, Senior Administrative Assistant

1. ELECTION OF PLANNING COMMISSION OFFICERS:

Chair Chung 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 Diep nominated Commissioner Capelle as Chair, which was seconded by Commissioner Schoales. 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 Commissioner Capelle is the new Chair.

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

2. APPROVAL OF MINUTES

Meeting of May 27, 2015
Adjourned Meeting of June 10, 2015
Adjourned Meeting of June 24, 2015

Commissioner Diep abstained from voting on the approval of the minutes of the May 27, 2015 meeting due to her absence from that meeting.

RECOMMENDED ACTION: Approve

Meeting of May 27, 2015

AYES: 5 COMMISSIONERS: Gonzales, McGuire, Chung, Schoales,
and Capelle

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Barstow

ABSTAIN: 1 COMMISSIONER: Diep

Adjourned Meeting of June 10, 2015
Adjourned Meeting of June 24, 2015

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Barstow

ABSTAIN: 0 COMMISSIONER:

PUBLIC HEARING:

NEW BUSINESS:

3. CONDITIONAL USE PERMIT NO. CU15-007

A request to establish the sale of beer and wine for on-site consumption at an existing full service restaurant located at 6291 Homewood Avenue within the CG (Commercial General) zone. This project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNERS: Kim Yang Kun and Kim Ha Young
1049 N. Horseshoe Bend
Walnut, CA 91789-4415

APPLICANT: Café Seventh Home/Scott Oh
6291 Homewood Avenue
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

Commissioner Chung asked to abstain from this item due to conflict of interest.

In reply to Chair Capelle, Ms. Santos stated that staff had received and distributed copies of a letter from Mrs. Charlotte Matsumoto, in opposition to the proposed project due to potential for noise disturbing nearby residents.

The staff report was presented by Michael Ressler, Senior Planner. The subject properties are zoned CG (Commercial General) and developed with an integrated commercial development including the Café Seventh Home full service restaurant and associated offices. The properties to the north are zoned CG (Commercial General) and are developed with legal non-conforming single-family homes. The properties to the south, across Seventh Street, are zoned ACSP (Auto Center Specific Plan) and are developed with legal non-conforming single-family homes. The properties to the west are zoned CG (Commercial General) and are developed with office and retail buildings. The properties to the east, across Homewood Avenue, are zoned RS-6 (One-Family Residential) zone and are developed with single-family homes.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU15-007 with findings of fact and conditions.

The properties under application are located on the northwest corner of Seventh Street and Homewood Avenue with a total street frontage of 135 feet along Seventh Street and 150 ft. along Homewood Avenue and a total land area of 20,250 sq. ft. The site was originally developed with a one-story 3,350 sq. ft. legal non-conforming commercial building with no parking. The building was originally constructed prior to City incorporation as a Kiwanis Club meeting lodge and was permitted for a furniture upholstery warehouse under Conditional Use Permit CU-476 in 1974. In December 2009, the Planning Commission approved Site Plan No. SP09-020 to modify the existing legal non-conforming 3,350 sq. ft. commercial building to establish the 1,790 sq. ft. Café Seventh Home restaurant with outdoor patio and a 1,560 sq. ft. office complex, with associated parking and site improvements.

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 1,790 sq. ft. restaurant, which has operated since June 2011. Café Seventh Home is a full service restaurant serving breakfast, lunch, dinner, as well as quick service of coffee and tea. According to the submitted business plan, the sale of beer and wine will be served as an amenity to food service. The hours of operation for Café Seventh Home are 7:00 a.m. to 11:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 a.m. Saturday and Sunday. No interior modifications are being proposed.

Section 19.512.010 of the City Code requires the applicant to gain Planning Commission approval for the proposed 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 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 approximately 60 ft. to the southeast. The 60 ft. separation includes Homewood Avenue as well as a mature hedge wall surrounding the outdoor patio

area on-site. Access to the restaurant building is provided by a main entrance along the south elevation adjacent to the on-site parking lot which is oriented away from the existing neighborhood. Staff feels that the combination of the building orientation and other site improvements has successfully integrated the existing restaurant into the surrounding community and will protect the surrounding neighborhood from any potential negative impacts.

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 sale of beer and wine to the hours of 7:00 a.m. to 11:00 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. Friday and Saturday. 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 June 26, 2015, and 46 notices were mailed to property owners within 300 ft. radius of the subject property on June 26, 2015.

Chair Capelle asked if there were any questions of staff.

Commissioner Gonzales asked, and Mr. Ressler confirmed that no changes are proposed to the hours of operation; however, the sale of beer and wine will be limited to 7:00 a.m. to 11:00 p.m. Sunday to Thursday, and 7:00 a.m. to 12:00 a.m. Friday and Saturday.

Commissioner Gonzales noted that the restaurant has been operated in a responsible manner for four years with no recorded complaints to the City.

Commissioner Schoales asked, and Mr. Ressler confirmed, that the restaurant is permitted by right and the business will continue to operate as a restaurant and not as a bar.

Commissioner Schoales commented that while encouraging and supporting the success of local businesses, the City of Buena Park also recognizes that preserving neighborhood compatibility is essential. Commissioner Schoales recommended that staff respond to Mrs. Matsumoto's letter.

Chair Capelle 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 Capelle closed the public hearing and advised that the item requires a Resolution for approval or denial with findings.

Commissioner Gonzales moved, and Commissioner Diep seconded, the motion to adopt the Resolution approving Conditional Use Permit CU15-007 with findings of fact and conditions therein.

AYES: 5 COMMISSIONERS: Gonzales, Diep, McGuire, Schoales,
and Capelle

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Barstow

ABSTAIN: 1 COMMISSIONER: Chung

**RESOLUTION NO. 5963
CONDITIONAL USE PERMIT NO. CU15-007**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU15-007, TO ESTABLISH THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT AN EXISTING FULL SERVICE RESTAURANT LOCATED AT 6291 HOMEWOOD AVENUE IN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

4. CONDITIONAL USE PERMIT NO. CU-276M1

A request to construct a 3,000 sq. ft. single story addition to the existing church at 8302 Artesia Boulevard in the ML (Light Industrial) zone. The project is Class 32, Section 15332, categorically exempt from CQA.

PROPERTY OWNER/APPLICANT: Love for One Soul Church
8302 Artesia Boulevard
Buena Park, CA 90621

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

The staff report was presented by Jay Saltzberg, Planning Manager. Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU-276M1 with findings of fact and conditions.

The subject property is zoned ML (Light Industrial) and is developed with the Love for One Soul Church. The property to the North, across Artesia Boulevard, is zoned PD (Planned Development) and developed with a multi-family residential development. The property to the South is zoned RS-6 and developed with a single family residence. The properties to the West and East are zoned ML and developed industrially.

The property under application is located on the south side of Artesia Blvd. between Dale Street and Indiana Avenue. The site maintains street frontage of 100 ft. with an area of

29,185 sq. ft. The property is developed with a 2,600 sq. ft. one-story religious facility that includes multi-purpose rooms, cafeteria, kitchen, and offices with parking and landscape areas. In November 1968, the City Council, with recommendation of the Planning Commission, approved Conditional Use Permit CU-276 for development and operation of the church. When the Conditional Use Permit was approved, the property was zoned RS-6 (One-Family Residential) but was rezoned to ML in 1985. Currently, the Zoning Code permits churches only in the CO (Commercial Office), CG (General Commercial), and CM (Commercial Manufacturing zones). Churches are not permitted in the ML zone; therefore, the Church is considered to be a legal non-conforming land use. The proposal to expand and alter the legal non-conforming religious facility may be considered by the Planning Commission based on Zoning Code Non-conforming Uses and Sites Zoning Code Sections 19.204.020A.1 and 19.204.020A.3. Section 19.204.020A.1 pertains to "Changes and Alterations" in conformance with applicable Zoning Code requirements. Section 19.204.020A.3 pertains to making modifications to non-conforming uses in compliance with other laws, specifically the Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) as described below.

The Federal Religious Land Use and Institutionalized Persons Act (RLUIPA) was adopted by the United States Congress and signed into law by President Bill Clinton in 2000. RLUIPA restricts the zoning and land use powers of State and local jurisdictions with respect to development regulations applicable to religious institutions. In general, RLUIPA requires that government shall not impose land use regulations that provide a substantial burden on the religious exercise of persons, religious assemblies, or organizations, unless the government can demonstrate that imposition of the burden furthers a compelling government interest and is the least restrictive method to further the government interest.

The submitted application and plans propose the construction of a 3,000 sq. ft. expansion connected to the front of the existing church building. The addition will include a new sanctuary with 80 seats, approximately 200 sq. ft. stage area, media room, entry area, prayer rooms, and men's and women's restrooms. Thirty-nine parking stalls will be provided. Front setback and parking area landscape will be included, with a new 10 ft. wide rear landscape setback buffer with screen trees. In addition, the interior of the existing church building will be modified to include new classrooms and renovation of the existing kitchen, cafeteria, and offices.

The exterior elevations of the new addition will feature a contemporary design to complement the existing building design with the new front facade incorporating varying tones of blue plaster in a geometric pattern with etched tempered glass icon and complementary colors along the side elevations with decorative reveals.

According to the attached operating description, dated April 10, 2015, Love For One Soul Church operates daily including worship, bible study, and refreshments. The Love For One Soul Church was originally established in Los Angeles and relocated to the existing church at the property in December 2014. There are approximately 60 current members of the congregation. The purpose of the proposal is to modernize and expand the functionally obsolete religious facility to accommodate the worship needs and community service objectives of the congregation.

As stated previously, the proposal to expand and alter the legal non-conforming religious facility may be considered by the Planning Commission based on City Zoning Code "Nonconforming Uses and Sites Section 19.204.020A.1. Changes and Alterations." The

proposal includes an addition and interior alteration of the existing building in conformance with applicable Zoning Code requirements. The process is also consistent with RLUIPA requirements to apply a reasonable regulatory process that does not excessively restrict use of land or development of buildings for religious institutions or provide unreasonable barriers to development or use for religious purposes. In reviewing the applicant's request for modification of the existing Conditional Use Permit, staff has determined that the proposed addition complies with code requirements, including setbacks, landscape, parking, circulation, and architectural standards. The proposed addition to the existing church building can be accommodated without negative impact on the subject or surrounding properties.

The proposed single story 3,000 sq. ft. addition, with 33 ft. tall decorative front façade, will be developed on vacant land and connected to the front of the existing church building with a landscape setback of 29.5 ft. from the front property line. The addition of the sanctuary with 80 seats and the new classroom configuration within the existing building require additional on-site parking. As proposed, the existing parking area will be reconfigured to comply with the Code requirement. The new sanctuary with additional seating in the new building and expanded classroom areas in the existing building can be appropriately accommodated as a result of the additional parking to be provided. A total of 39 parking spaces will be provided to comply with Code requirements.

Staff believes that the sanctuary addition to the front of the church, including prayer rooms and restroom facilities, with additional parking and landscape improvements, will appropriately accommodate potential additional patrons of the church. The upgraded design and configuration of the expanded religious facility provides a contemporary appearance enhancing the architectural integrity, image, and functionality of the existing building. The religious facility will be modernized by the expansion. As conditioned, sufficient landscape buffer and separation will be provided so as not to negatively affect adjacent single family residential properties to the south.

The proposed addition, featuring a new 80 seat sanctuary attached to the front of the existing church building, complies with applicable development standards including access, circulation, parking, landscape, buffering, height, and design criteria. Therefore, Staff concludes that the proposed expansion and associated improvements to the existing church are appropriate to enhance church operation in a manner consistent with adjacent properties.

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

Notice of public hearing was posted at City Hall, Buena Park Library, and Ehlers Community Center on June 26, 2015 and 21 notices were mailed to property owners within a 300 ft. radius of the subject property on June 26, 2015.

Chair Capelle asked if there were any questions of staff.

There being no questions of staff, Chair Capelle 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 Capelle closed the public hearing and advised that the item requires a Resolution for approval or denial with findings.

Commissioner Diep moved, and Commissioner Gonzales seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU-276M1 with findings of fact and conditions therein.

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

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Barstow

ABSTAIN: 0 COMMISSIONER:

**RESOLUTION NO. 5964
CONDITIONAL USE PERMIT NO. CU-276M1**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST FOR ISSUANCE OF CONDITIONAL USE PERMIT NO. CU-276M1 TO CONSTRUCT A 3,000 SQ. FT. ADDITION TO AN EXISTING CHURCH LOCATED AT 8032 ARTESIA BOULEVARD WITHIN THE ML (LIGHT INDUSTRIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

5. CONDITIONAL USE PERMIT NO. CU15-009

A request to renovate existing commercial buildings with site improvements to accommodate a new and used motorcycle dealership, with associated 1,011 sq. ft. restaurant, 806 sq. ft. showroom, 1,221 sq. ft. office, 1,350 sq. ft. repair facility, and outdoor display, located at 6245, 6251, and 6255 Auto Center Drive in the ACSP (Auto Center Specific Plan) zone. This project is Class 1, Section 15301, categorically exempt from CEQA.

PROPERTY OWNER/APPLICANT: Kevin Song
520 Silver Lake Boulevard
Los Angeles, CA 90026

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Capelle, Ms. Santos stated that staff distributed a memo regarding the applicant's request to continue the item to the Planning Commission meeting of August 12, 2015.

Chair Capelle 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 item, Chair Capelle advised that the item requires a Minute Action to approve continuance of the item.

The MOTION CARRIED unanimously.

6. LARGE MEETING PROTOCOL

The protocol for large meetings was reviewed and discussed.

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

The Los Coyotes Country Club Development Plan is scheduled for the Planning Commission meeting of July 22, 2015.

STAFF REPORTS:

Mr. Rosen introduced Tiffany Lin, Planning Intern.

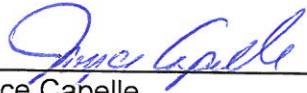
Mr. Rosen announced that, in anticipation of a long meeting on June 22, food will be served prior to the meeting, at approximately 5:30 p.m., in the Main Conference Room.

COMMISSION REPORTS:

Chair Capelle thanked Commissioner Chung for his service as Planning Commission Chair, and thanked the Commissioners for their votes.

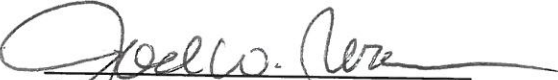
ADJOURNMENT:

At 7:50 p.m., Chair Capelle adjourned the meeting to the Planning Commission meeting on Wednesday, July 22, 2015, in the City Council Chamber.



Joyce Capelle
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary