

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
January 13, 2016

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on January 13, 2016, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Capelle presiding.

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

ALSO PRESENT:

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

1. APPROVAL OF MINUTES December 16, 2015

RECOMMENDED ACTION: Approve

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAIN: 0 COMMISSIONER:

PUBLIC HEARING:

NEW BUSINESS:

2. CONDITIONAL USE PERMIT NO. CU15-014

A request to establish the sale of beer and wine for on-site consumption at an existing full service restaurant with enclosed outdoor dining area located at 6550 Knott Avenue in the CS (Community Shopping) zone. The project is Class 1 Section 15301, categorically exempt from CEQA.

PROPERTY OWNER/APPLICANT: Kevin Song
6550 Knott Avenue
Buena Park, CA 90621

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Capelle, 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 CS (Community Shopping) and developed with a combination full service restaurant and neighborhood market with parking and site improvements. The properties to the north, south, and east are zoned RM-20 (Medium Density Multifamily Residential) and developed with apartments. The property to the west across Knott Avenue is zoned MH (Heavy Industrial) and is developed with an industrial complex.

Staff recommends that the Planning Commission adopt the attached Resolution approving Conditional Use Permit No. CU15-014 with findings of fact and conditions.

The subject property is located at the northeast corner of Knott Avenue and 9th Street with street frontages of approximately 149 ft. along Knott Avenue and 125 ft. along 9th Street with a land area of approximately 18,731 sq. ft. The Planning Commission approved the development of a 4,000 sq. ft. medical office building via Conditional Use Permit No. CU-301 in 1969 under a previous zoning designation that allowed for commercial uses. On February 14, 2015, the City Council approved Zone Change No. Z14-002, General Plan Amendment No. GP14-002, and Conditional Use Permit No. CU15-002 for the conversion of the legal non-conforming medical office building to a combination neighborhood restaurant and market. The applicant did not propose sale of alcohol at the time of approval, and the approved Conditional Use Permit included a condition prohibiting sale of alcoholic beverages on the property. However, according to the applicant, with the recent restaurant menu change to incorporate additional Japanese and Korean cuisine, customers are requesting beer and wine, including sake, for on-site consumption. The request does not include the sale of alcohol for off-site consumption.

The applicant has submitted an application and plans requesting Planning Commission approval to establish the sale of beer and wine for on-site consumption within the restaurant and enclosed outdoor dining area ancillary to the restaurant use, which has been in operation since September 2015. The outdoor dining area is only accessible from within the restaurant and surrounded with a 5 ft. tall metal and glass enclosure. BP Grill is a full service restaurant featuring grilled hamburgers, fries, salad bar, teriyaki steak, salmon and shrimp over rice, and Korean beef/tofu soup. According to the submitted business plan, beer and wine will be served as an amenity to food service. Alcohol sales are not proposed within the market area of the building and will only be for off-site consumption. The hours of operation for BP Grill are 8:00 a.m. to 10:00 p.m. Monday through Sunday. No interior or exterior modifications are proposed. There will be one manager supervising the daily operation of the business with six employees.

Section 19.512.010 of the City Code requires Planning Commission approval for the proposed sale of beer and wine for on-site consumption in conjunction with the 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 restaurant 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 site or surrounding properties.

Adequate separation is provided between the restaurant, enclosed outdoor dining area and the adjacent residential properties located between 51-62 ft. to the north, south, and east. In addition, the existing block walls along the north and east property lines provide buffering between the subject site and the adjacent residential properties to the north and east. The outdoor dining area is only accessible from within the restaurant and surrounded with a 5 ft. tall metal and glass enclosure, providing a buffer to residential properties to the south. Landscaping and the public right-of-way along 9th Street provide buffering along the south property line. A rear access door is located on the north side of the building, adjacent to the kitchen and is used for employee entrance/exiting, maintenance and deliveries for the restaurant. Customer entries/exits are located on the east and south sides of the building.

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 requiring that gross food sales receipts exceed gross receipts of alcoholic beverages and those alcoholic beverages be served only in conjunction with food sales. For consistency with approvals of restaurants of similar size and operational characteristics, including sale and service of beer and wine for on-site consumption, and to assure compatibility with adjacent residential uses, staff has included a condition limiting the closing time to 10:00 p.m. daily, as proposed by the applicant. The Buena Park Police Department reviewed the proposal and has no objection 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 23, 2015, and 15 notices were mailed to property owners within 300 ft. radius of the subject property on December 23, 2015.

Chair Capelle asked if there were any questions for staff.

Commissioner Barstow asked about provisions for handicap parking.

Commissioner Gonzales noted that the parking plan shows that ADA parking is not located adjacent to the building.

Ms. Schwartz said the plans shown are from a previous Planning Commission agenda report and may not have been updated by the applicant.

Commissioner Diep commented that an aerial photograph will provide a more accurate view of the project site.

Commissioner Schoales noted, from the presentation photos, the absence of landscaping as originally approved by Planning Commission, and a drive-thru window with speaker box, which was not part of the original approval. He reiterated that the number of approved

parking spaces was based on a combination of market and restaurant and asked if there is currently a market component at the site.

Ms. Schwartz explained that certain Building requirements resulted in reduced area for landscaping.

Mr. Rosen said staff was not aware of modifications until the photos were taken.

Commissioner Capelle asked staff if the applicant can, after approval by Planning Commission, modify the structure without obtaining prior approval.

Mr. Rosen said that the applicant cannot do modifications without prior approval.

Commissioners Diep and McGuire said procedures must then be in place, such as follow-up inspections after Planning Commission approval, to ensure that construction complies with conditions of approval.

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.

Kevin Song, property owner/applicant, 6550 Knott Avenue, Buena Park, CA 90621, apologized for modifications he made after Planning Commission approval. He explained that the handicap ramp required by the Building Division resulted in lack of space for the required landscaping. Mr. Song said that the deli/market concept did not work because of incidents of theft and vandalism. He concluded by saying that he will be willing to make necessary changes to ensure that his site is in compliance with Code. He explained that the request for beer and wine will help boost his decreasing sales.

Commissioner Diep asked and Mr. Song confirmed that his letter of request for beer and wine was submitted approximately a little over a month after his store opened in September and that changes to the market, such as stacking of shelves to accommodate more seating, were done within two and a half months.

Commissioner Schoales asked where the store shelves are currently stacked in the restaurant, about the little motorcycle on display inside that he saw when he visited the site, and the proximity of the boba counter to the restroom.

Mr. Song said the inventory is on the west side of the store, the motorcycle is part of the store decoration, and the boba counter is next to the restroom.

Commissioner Diep expressed her displeasure that, as has frequently happened in similar cases, the proposed project was approved in good faith with the applicant stating that he had no intention to sell beer and wine, only for the applicant to return a few months after with the request for beer and wine.

Chair Capelle asked Mr. Fox and staff for options for a motion.

Mr. Fox and Mr. Rosen said a motion may be made for approval or denial of the request for beer and wine and/or continuance of the item to allow for review of the site for compliance with Code.

Commissioners Gonzales and Barstow asked what a reasonable timeframe is, for continuance to a date certain, to accomplish the actions to be stated in the proposed motion.

Mr. Rosen said continuance to February 10 will provide sufficient time.

Chair Capelle emphasized, and staff confirmed, that the motion to continue is to enable the applicant to remove the illegal drive-thru, ensure that the seating is commensurate to the use, and submit accurate and final plans.

There being no one else wishing to speak on the matter, Chair Capelle advised that the item requires a motion for continuance.

Commissioner Schoales moved, and Commissioner Barstow seconded, the motion to continue the item to the Planning Commission meeting of February 10, 2016.

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

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

None

STAFF REPORTS:

Mr. Rosen reported on City Council approval of Zone Change for 7069 to 7071 Thomas Street, adoption of new ordinances for massage establishments and business license regulations, and adoption of the redistricting map, which is on the City website.

Mr. Jacobs reported on the reorganization of the Traffic Engineering Division in the Public Works Department. Traffic Engineering services will be provided by Iteris staff with office hours at City Hall on Tuesdays and Thursdays.

COMMISSION REPORTS:

Commissioner Diep said that, based on her inquiries, ADA accessible units are not tracked by planners. She said it is possible that some builders track ADA access units.

Commissioner McGuire asked about the status of Planning Commission request for a Study Session on ADA requirements.

Mr. Rosen said and Mr. Fox confirmed that the City Attorney's office is currently compiling material for the Study Session.

Chair Capelle and Commissioner Diep said they look forward to the Study Session.

ADJOURNMENT:

At 7:40 p.m., Chair Capelle adjourned the meeting to the Planning Commission meeting on Wednesday, February 10, 2016, in the City Council Chamber.



Joyce Capelle
Chair

ATTEST:



Joel W. Rosen, AICP
Secretary