

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
June 6, 2007
6:30 p.m.

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, June 6, 2007 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Turro.

Roll Call Commissioners present: Contreras, Krippner, Turro
Commissioner absent: Chow, Lam,

Staff Attendance Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Phil Bacerra, Assistant Planner; Fenn Moun, Planning Technician; Maria Moya, Department Secretary; and Christian Bettenhausen, Deputy City Attorney

Salute to the Flag All persons present joined in the Salute to the Flag, conducted by Commissioner Contreras.

Commissioner Chow arrived at 6:35 p.m.
Commissioner Lam arrived at 6:37 p.m.

Approval of Minutes In the minutes of May 14, 2007, page 7, last paragraph, Chairman Turro pointed out that the palm fronds were still scattered along McFadden Avenue and not in front of his house as stated in the minutes. The minutes of the regular meeting of May 14, 2007 were approved as corrected on motion of Commissioner Contreras, seconded by Commissioner Krippner, and carried 4-1, Commissioner Lam absent.

The minutes of the regular meeting of May 24, 2007 were approved on motion of Commissioner Contreras, seconded by Chairman Turro, and carried 4-1, Commissioner Krippner absent.

Oral Communications None

Written Communications None

Mr. Art Bashmakian congratulated and presented service pins to the following Commissioners for their dedication and service to the City: Chairman Turro and Commissioner Krippner, 10-year service and Commissioner Contreras, 5-year service.

Mr. Bashmakian announced that Public Hearing B, Case 2007-22, for property located at 15054 Moran Street has been permanently withdrawn by the applicant and will not be heard by the Commissioners that evening.

Public Hearing A. Case 2007-01 Conditional Use Permit, Location: 7701 Westminster Boulevard, Suite B (Assessor's Parcel Number 096-230-67). J & K Market.

The applicant is requesting to modify an existing conditional use permit to allow for the sale of beer, wine and distilled spirits for off-site consumption (Alcoholic Beverage Control Type 21 license) at an existing mini-market.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit based on the findings and conditions outlined in the proposed resolution.

Mr. Phil Bacerra made a brief presentation on the applicant's request to modify an existing conditional use permit to allow for the sale of distilled spirits in addition to beer and wine for off-site consumption. Based on its findings, staff is recommending approval of the proposal subject to the conditions in the draft resolution.

Mr. Art Bashmakian added that although the request will not increase the number of alcohol beverage licenses in the district, state law requires a finding of public necessity and convenience. Should the Commission approve the request, Mr. Bashmakian stated this additional requirement will be included with the standard conditions. He also informed the Commission that the applicant had requested extending its operating hours from 8 a.m. to 9 p.m. to 6 a.m. to 12 midnight. However, staff is recommending that the current hours of operation remain.

The public hearing was opened.

Speaking in favor of the application was the liquor store's business manager, Mr. Anjal Patel of 8571 Western Avenue No. C, Buena Park, who stated that the business has been operating since 1999. He informed the Commission that if the request is approved, they plan to implement the following changes in the store: install an age

verification system; upgrade the surveillance system; upgrade the security system and add a panic switch; and modify shelves by the windows to allow more than fifty per cent visibility. He stated that they have removed most of the signs on the windows and have provided staff photos to confirm it.

Mr. Patel explained that he requested extension of the hours of operation to give opportunity for his customers to use the Western Union Co. system to pay their utility bills and to help management monitor the store inventory by providing a couple of hours to stack their supplies.

Mr. Patel also admitted upon inquiry from Mr. Christian Bettenhausen that he had an ABC violation for selling alcohol to a minor in 2005. However, he indicated that he had paid the fees and has attended training for the misdemeanor violation.

Also speaking in favor for his client, Mr. Patel, was real estate broker from All Star Realty, Mr. Dick Evitt, of 5905 Wincliff Drive, Riverside. He complimented the Planning staff and stated that Mr. Patel will comply with all the conditions imposed by staff.

Mr. Roger Wiley of 14101 Milan Street and Pastor John Furman, both representing the First Presbyterian Church, located directly across the project site, spoke in opposition. They indicated that they have experienced ongoing problems with transients, graffiti, vandalism, broken windows, and trash including empty beer containers and cans. They were concerned the permit would aggravate the situation and the church would be the onsite location for consumption of alcohol.

In rebuttal, Mr. Patel stated that it was possible that the problems in the church could have been caused by other customers from other surrounding liquor stores or supermarkets as well.

Mr. Evitt informed the Commission that he personally mailed notice to residents within 500 feet of the project site regarding Mr. Patel's intent to apply for a distilled spirit beverage license, and did not receive any response. Concerning the problems mentioned by Mr. Wiley and Pastor Furman, he stated that these problems have nothing to do with Mr. Patel's liquor store and will continue to happen since some people do not care and it is more convenient for them to trash other people's property. He added that the request to sell distilled spirits was not for financial gain but to provide convenience to the public.

The public hearing was closed.

Although she understood the concerns expressed, Commissioner Chow felt it was not fair to blame all the problems to Mr. Patel's liquor store. She indicated that she prefers to maintain the current hours of operation for the business.

Commissioner Krippner stated that he intends to vote against the request as he believed the additional request for distilled spirits was unnecessary as the area is already oversaturated and the City could be a magnet for the public to purchase alcohol.

Being business friendly, Commissioner Lam was favorable to the request as long as the applicant complies with all the conditions imposed by staff.

Commissioner Contreras concurred with Commissioner Chow regarding the hours of operation.

Chairman Turro confirmed with Pastor Furman that the problems mentioned in the church had occurred prior to 1996 but has worsened through the years. He stated that although there is already over saturation of ABC license in the area, the request is only adding distilled spirits to beer and wine already being sold. He was not favorable to the extension of hours and was upset that Mr. Patel did not practice due diligence when he sold alcoholic beverage to a minor. He stated that he would approve the request only if all the conditions in the resolution including the four plans mentioned by Mr. Patel are imposed.

Motion

Commissioner Chow moved that the Planning Commission approve the conditional use permit for Case 2007-01 based on the findings and conditions outlined in the proposed resolution including the following proposed by the applicant: install an age verification system; upgrade the surveillance system; upgrade the security system and add a panic switch; and modify shelves by the windows to allow more than sixty per cent visibility. Commissioner Lam seconded and the motion carried 3-2, Commissioners Contreras and Krippner dissented. Commissioner Contreras voted no because of the applicant's previous ABC violation.

B. Case 2007-22 Site Plan, Design Review, Variance. Location: 15054 Moran Street (Assessor's Parcel Number 143-621-04).

The application involves Site Plan and Design Review for the remodel and conversion of an existing 8,640 square foot industrial structure to accommodate retail uses. The building will be reduced

in size to 8,200 square feet with the number of tenant spaces decreasing from 8 spaces to 7. The project also requires a variance for proposed parking. The proposed renovation and commercial conversion of the building requires 33 parking stalls with plans illustrating the inclusion of 30 on-site parking stalls.

STAFF RECOMMENDATION: That the Planning Commission deny Case No. 2007-22 based on the findings outlined in the draft resolution.

This application was permanently withdrawn as requested by the applicant.

The Commission observed a recess at 7:50 p.m. and reconvened at 8:03 p.m.

- C. Case 2007-45 Zone Text Amendment. Location: Citywide.
City initiated code amendment to exempt “reflexology” from the Conditional Use Permit provision and allow such uses by right subject to all pertinent current and future regulations of the Westminster Municipal Code particularly Title 5.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2007-45, recommending that the City Council adopt an ordinance exempting “reflexology” from Chapter 17.50.020 of the Westminster Municipal Code which requires the issuance of a Conditional Use Permit for a massage establishment.

In response to potential applicants seeking to operate a reflexology business and who questioned City’s regulations on reflexology as a form of massage, Mr. Steve Ratkay indicated that staff initiated a code amendment to allow the practice of reflexology by right instead of allowing it conditionally. Based on its analysis and findings, staff recommended that the Planning Commission adopt the draft resolution recommending that the City Council adopt an ordinance exempting “reflexology” from Chapter 17.50.020 of the Westminster Municipal Code which requires the issuance of a Conditional Use Permit for a massage establishment.

The public hearing was opened and closed as no one wished to speak neither for nor against the text amendment proposal.

Motion

On motion of Commissioner Contreras, seconded by Commissioner Chow, and carried 5-0, the Planning Commission adopted Resolution 2007-45, recommending that the City Council adopt an ordinance exempting “reflexology” from Chapter 17.50.020 of the

Westminster Municipal Code which requires the issuance of a Conditional Use Permit for a massage establishment.

Reports

- A. Case 2005-01 Amendment. Location: 13590 Beach Boulevard (Assessor's Parcel Numbers 097-511-05). Lexus of Westminster. The applicant is proposing to eliminate decorative hardscape in the vehicle display area of a pre-owned vehicle sales lot and preserve the existing concrete asphalt for a project that is currently under construction. Since the Commission approved decorative hardscape in the vehicle display area, any proposed deviation must be reviewed and approved by the Commission.

STAFF RECOMMENDATION: That the Planning Commission reconsiders its approval of decorative hardscape in the vehicular drive entrance and determine if the applicant's preservation of concrete asphalt in this area is in substantial conformance with the previously approved site plan.

Mr. Christopher Wong presented the applicant's request to eliminate the decorative colored stamped concrete at the entry driveway of the Lexus dealership. However, based on the goals of the City Council to improve the overall appearance of the City and to maintain consistency with the design standards, staff recommended that the Planning Commission uphold its requirement as conditioned in the resolution.

The Commission allowed the applicant, Ms. Cindy Fleming of Lord Fleming Architects, 192 Technology Drive, Ste. C, Irvine. She stated that the Lexus facility's two front driveways are already decoratively paved except for the primary entry driveway where Southern California Edison intends to relocate the guy wire from that driveway. Once Southern California Edison has done so, Ms. Fleming stated that the color decorative pavement will be installed which would take an additional two weeks instead of one week for paving with asphalt. She stated that this driveway is used as the primary entry way for the business and for emergency purposes.

Commissioner Krippner stated that he is confident Lexus will not make an unattractive project because they are focused primarily on customer service.

Chairman Turro believed the applicant should comply with the original condition.

Commissioner Chow mentioned that the Commission had compromised with the applicant in the past, and observed that the applicant is back to make another request to eliminate some conditions relating to another project. She concurred with Chairman Turro to uphold the condition.

Ms. Fleming clarified the past request pertained to a separate project (Lexus' pre-owned lot), which still complied with City's landscape requirements despite elimination of the condition by the Commission.

Motion

On motion of Commissioner Chow, seconded by Chairman Turro, and carried 5-0, the Planning Commission upheld its requirement to install decorative colored stamped concrete or pavers at the entry driveway of the development at 13590 Beach Boulevard.

- B. Case 2007-29 Design Review – Level 2. Location: 14528 Edwards Street (Assessor's Parcel Number 195-461-01). USA Self Storage
The application is a proposal to install unmanned wireless communications equipment to be placed within an existing self story facility, inside a 70 foot high tower.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2007-29 subject to the findings and conditions stated in the proposed resolution.

Mr. Fenn Moun made a brief presentation on the applicant's request to install an unmanned wireless communications equipment to be placed within an existing self-storage facility inside a 70-foot high tower. Based on staff review and analysis, he recommended that the Planning Commission approve Case No. 2007-29 subject to the findings and conditions stated in the proposed resolution

The Commission allowed the applicant, Mr. Ramsey Faris of 2362 McGaw Avenue, Irvine to speak. He ensured the Commission that they will provide a clean design for the wireless facility site as the equipment is not outside the building and the antenna arrays will be screened. However, because it was technically necessary to install the GPS antenna on the exterior of the tower, Mr. Faris stated it will be painted to match the existing building. Mr. Bashmakian pointed out that based on the diagrams and the plans submitted by the applicant, he stated that the location of the GPS antenna was probably the most appropriate location to be screened from most views.

Motion Commissioner Chow moved that the Planning Commission approve the design review for Case No. 2007-29 based on the findings and conditions included in the draft resolution including an additional condition that the GPS antenna be painted to match the colors of the building.

Commissioner Lam seconded and the motion carried 5-0.

Administrative Approvals The Planning Commission received notification that there was no Administrative Approval item reviewed by the Planning Manager.

Items and Comments From the Planning Commission Commissioner Chow commended staff for its work and prompt assistance to the public. The other Commissioners concurred.

Comments: Planning Manager Mr. Bashmakian informed the Planning Commission that the City Council will consider the Commission's request for a joint study session at its meeting on Wednesday, June 13, 2007. He thanked staff for their presentation.

City Attorney Mr. Bettenhausen suggested that the Planning Commission conduct the meeting such that the people who wish to speak after the close of the public hearing are not encouraged to proceed in an engaging discussion.

Reporting on AB 1234 None

Adjournment The meeting was adjourned at 9 p.m. to the Planning Commission meeting of June 20, 2007.

Respectfully submitted,

MARIA MOYA
Department Secretary