



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
June 19, 2013
6:30 p.m.

1. ROLL CALL: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

PRESENT: NGUYEN, HO, LOPEZ, MANZO
ABSENT: ANDERSON

2. SALUTE TO FLAG:

City Attorney Robert Khuu

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS - None

4. EX PARTE COMMUNICATIONS

Chair Nguyen reported driving by Lexus of Westminster but did not visit the sites under Items No. 8.1 or 8.2.

Commissioner Manzo reported driving by Lexus of Westminster.

Commissioner Lopez reported driving by all of the sites under consideration in the present agenda.

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS – None

7. APPROVAL OF MINUTES – None

8. PUBLIC HEARINGS

8.1 Case No. 2012-38 Tentative Parcel Map (TPM) & Development Review (DR)
Location: 7601 23rd Street (APN: 096-262-08)
Applicant: Abraham Etemad-Haary

A request to subdivide an existing 12,793 square-foot parcel into a three unit residential condominium development and construct three detached, two-story residences. The proposed units range from 1,945 to 2,182 square-feet of floor area. The proposed height of each dwelling ranges from 18 to 26-feet. The development is located within the R2 (Multiple-Family Residential) Zoning District.

RECOMMENDATION: Approve the Tentative Parcel Map and Development Review.

Steve Ratkay, Associate Planner, gave a presentation on this item. He added that the project complies with the Zoning Code relative to setbacks, building height and parking requirements.

Commissioner Manzo commented on the common driveway and asked if there are any lighting requirements along it.

Mr. Ratkay stated that the City does not have specific lighting requirements for driveways in

particular. However, there is a City Ordinance in the Zoning Code that requires that all lighting be directed away from adjacent properties. Any lighting proposed by the applicant would have to be designed in such a way that it is shielded and points down.

THE CHAIR OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK ON THE SUBJECT MATTER.

There was no one wishing to address the Planning Commission on this matter.

THE CHAIR CLOSED THE PUBLIC HEARING.

Commissioner Manzo commented on the front unit, facing the street and stated the need for architectural enhancements to improve aesthetics.

Mr. Ratkay stated that the Planning Commission could make a condition requiring a window or other treatment on the elevation, as part of the motion.

THE CHAIR RE-OPENED THE PUBLIC HEARING.

Ali Badie, project designer, indicated that the whole unit orients toward the private drive and that a tree is proposed in the subject area to provide a canopy. He agreed with adding landscape or a window treatment or extending the porch to enhance the aesthetics.

THE CHAIR CLOSED THE PUBLIC HEARING.

Motion was made by Chair Nguyen, and seconded by Commissioner Manzo to approve the Tentative Parcel Map and Development Review for Case No. 2012-38 subject to conditions and an added condition to modify the elevation facing the street on Lot 1 to add a window treatment on the other side of the porch or expand the porch cover subject to the review of Planning staff.

The motion carried by the following vote:

AYES: NGUYEN, HO, LOPEZ, MANZO
NOES:
ABSENT: ANDERSON

Mr. Bashmakian noted that there is a fifteen-day appeal period and any decision of the Planning Commission may be appealed to the City Council.

8.2 Case No. 2013-35 Conditional Use Permit

Location: 6702 Westminster Blvd

Applicant: Faranak Sofalian

A request to sell beer and wine at a convenience market (associated with an existing gasoline station) which is currently undergoing expansion into the area that previously contained a car wash tunnel and associated storage and equipment room. The expansion does not involve new addition or expansion of the existing building footprint. The gasoline station and its associated market operate 24 hours daily.

RECOMMENDATION: Deny the Conditional Use Permit.

Mr. Bashmakian gave a presentation on this item.

THE CHAIR OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK ON THE SUBJECT MATTER.

Peter Whittingham, representing the applicant, provided a PowerPoint presentation addressing existing conditions, removal of prior car wash, details of the proposed improvements, floor plans, areas in which alcohol sales are proposed, security cameras, a brief history of the site, the subject census tract, similar surrounding businesses and applicable State laws. He presented conditions of approval that the Police Department recommends in consideration of the application. He addressed the proposed hours of alcohol sales, limitations of the percentage of the market devoted to alcohol, the prohibition of single bottles or cans of beer, and required video surveillance. He presented conditions of approval suggested by the applicant for consideration including ending the sale of beer and wine at midnight and locking cooler doors at that time, limiting the display of beer and wine to less than 10% of the total floor area, limiting advertisement and signage on windows and doors to allow for clear line-of-sight into the store, posting a variety of signs beyond that recommended by the Police Department, enhancing the store's security system and ensuring that parking and fueling areas are well-lit. He noted that no comments were received in response to notice for this item and that no other existing licenses within the census tract resemble the operations of the subject business nor have been imposed the conditions being proposed for the Commission's consideration. Mr. Whittingham addressed employee training and reported that the applicant would be willing to accept a condition of approval that would provide a mechanism for revocation of the CUP if there is a pattern of on-going issues and both the Police Department and Code Enforcement can conduct periodic investigations to ensure compliance with all conditions of approval.

Chair Nguyen inquired the transfer of licenses and Mr. Whittingham reported that ABC Type 20 licenses are an asset and may be transferred (bought, sold and relocated) upon ABC's approval.

THE CHAIR CLOSED THE PUBLIC HEARING.

Commissioner Manzo noted that the subject area is a high-crime area and agreed with staff and the Police Department that there are too many alcohol licenses within the subject census tract.

Chair Nguyen commented positively on the proposed improvements but agreed with staff and the Police Department findings. He suggested that the applicant move forward with the improvements and return later to the Planning Commission regarding the sale of alcohol on the site.

Commissioner Lopez agreed with staff's recommendations.

Commissioner Ho stated that she would recommend approving the application to allow the business owner the opportunity to be competitive and re-evaluating the matter in six-months with the option of revoking it if issues occur.

In response to Chair Nguyen's inquiry, Mr. Bashmakian reported that the City always has the authority to revoke a Conditional Use Permit or any entitlement. The findings for the process to revoke are much higher than when a CUP initially is denied. The degree of a nuisance has to be at a higher level to revoke a CUP. He added that the proposed improvements and the alcohol licensing are separate issues. He noted that improvements are not related to the Conditional Use Permit and have been approved by the City.

In reply to an inquiry from Commissioner Lopez, Mr. Bashmakian reported that there is an existing rear wall and that there is no new wall proposed for the site. He added that revoking a CUP would be more challenging than denying it.

Discussion followed regarding specific criteria that need to exist for the City to initiate a revocation and the definition of "excessive".

Mr. Bashmakian read the Code sections relative to revocations and modifications. It was noted that the City may revoke a permit but that the burden of proof would be on the City's side.

Chair Nguyen reiterated his desire to have the applicant move forward with improvements but stated that he will support staff's recommendations. He would be open to having the applicant re-apply at a future date with a transfer of a Type 20 license within the City.

Motion was made by Commissioner Manzo, and seconded by Chair Nguyen to deny the Conditional Use Permit for Case No. 2013-35.

The motion carried by the following vote:

AYES:	NGUYEN, MANZO
NOES:	HO
ABSENT:	ANDERSON
ABSTAIN:	LOPEZ

9. REGULAR BUSINESS

9.1 Case No. 2012-45. A request to change approved design Location: 7522 & 7600 Westminster Boulevard, (APN: 096-211-08 & 16) Applicant: Lexus of Westminster

The applicant is requesting to use 4-Score Split face block instead of the previously approved 4-Flute Split face block associated with an approved perimeter wall along Hoover Street.

RECOMMENDATION: Determine if the requested material meets the goals of the Design Guidelines Manual.

Mr. Bashmakian gave a presentation on this item.

Chair Nguyen invited the applicant to address the Commission on this matter.

Cindy Fleming, Fleming Alliance Architecture, distributed samples of the proposed face block and addressed the general aesthetics of the 4-Score Split wall versus the 4-Flute Split wall. She noted that the proposal relates only to the Hoover Street frontage portion of the wall.

Commissioner Manzo asked whether bamboo is the only proposed landscaping for the area. Ms. Fleming confirmed that it is the only landscaping proposed on the Hoover Street side. She added that different landscape treatment is proposed for the corner. She reported that "fluted concrete block" is a general term and includes many specifications.

Brief discussion followed regarding previous consideration and approval by the Planning Commission of the fluted face block by minute action.

Mr. Bashmakian reported that the project was approved last year and the entire wall was to be of the same design as the current wall along Westminster. The applicant returned with a proposal to construct a split-faced block wall along Hoover Street and staff recommended against it at that time. As a compromise, Commissioner Anderson suggested a vertical relief, every fifteen feet, with the use of a vertical split-faced block and the rest of the Commission agreed.

John Oh, General Manager of Lexus of Westminster, addressed reinvestments made in the City by the dealership and commented on the use of a specific block. He stated that the project is presently stalled and urged the Planning Commission to approve the matter in order for them to move forward with the project.

Commissioner Lopez stated that the Commission should approve the matter if the material meets the goals of the design.

Motion was made by Chair Nguyen, and seconded by Commissioner Ho to approve the 4-Score Split face block instead of the previously approved 4-Flute Split face block associated with an approved perimeter wall along Hoover Street. The motion carried by the following vote:

AYES: NGUYEN, HO, LOPEZ, MANZO

NOES:

ABSENT: ANDERSON

10. REPORTS – None

11. MATTERS FROM THE PLANNING COMMISSION - None

11.1 AB 1234 Reports - None

12. ADJOURNMENT: At 7:30 p.m., Chair Nguyen adjourned the meeting to regular meeting on Wednesday, July 3, 2013 at 6:30 p.m. in the Council Chambers.

NGUYEN
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Art Bashmakian
Planning Commission Secretary