



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
October 1, 2014
6:30 p.m.**

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

PRESENT: Nguyen, Anderson, Lieberg, Manzo
ABSENT: Ho

2. SALUTE TO FLAG:

Commissioner Manzo led the salute to the flag.

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

4. EX PARTE COMMUNICATIONS

Commissioner Lieberg reported visiting the site pertaining to item 8.1 numerous times.

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS

Chair Nguyen invited those interested in addressing the Planning Commission on items not on the agenda, to do so at this time.

Richard Jolley, 5052 Loyola Avenue, Westminster, California, expressed concerns regarding the City's website noting that he was unable to find the agenda for this meeting at first, but found it after much difficulty. He urged that the website be more user-friendly.

Chair Nguyen explained the way to access Planning Commission agendas and reported that staff will follow up.

There being no other wishing to address the Planning Commission, Chair Nguyen closed Oral Communications.

7. APPROVAL OF MINUTES – August 6, 2014 and August 20, 2014

Motion: It was moved by Anderson, and seconded by Nguyen, to approve the August 6, 2014 Planning Commission Minutes, as corrected. The motion carried (4-0) by the following vote:

AYES: Nguyen, Anderson, Manzo, Lieberg
NOES: None
ABSENT: Ho
ABSTAIN: None

Motion: It was moved by Anderson, and seconded by Nguyen, to approve the August 20, 2014 Planning Commission Minutes, as submitted. The motion carried (4-0) by the following vote:

AYES: Nguyen, Anderson, Manzo, Lieberg
NOES: None
ABSENT: Ho
ABSTAIN: None

8. PUBLIC HEARINGS

- 8.1 **Case No. 2014-51 (Conditional Use Permit and Development Review)**
Location: 15482 Goldenwest Street (Assessor's Parcel Number 142-401-03)
Applicant: Goldenwest McFadden, LLC

An application for a Conditional Use Permit and Development Review to construct a 2,251 square-foot, 26-foot high, drive-through restaurant, operating from 5 AM to 11 PM daily.

RECOMMENDATION: That the Planning Commission take the following actions:

1. Adopt a resolution approving an initial study/mitigated negative declaration; and
2. Adopt a resolution approving the project, subject to conditions.

Associate Planner Steven Ratkay provided details of the proposed plan addressing location, surrounding properties and land uses, surrounding retail uses, background on the existing service station and underground fuel storage tanks, existing conditions, access into and out of the site, soil contamination and remediation, completion of remediation and soil cleanup and details of the proposed development. He reported that a Conditional Use Permit is required since the property is near a residential use. He addressed the site layout and plan, location of the proposed drive-through entrance, landscaping, floor plan, indoor and outside eating areas and elevations. He reported that the project complies with all of the City's development standards in terms of setbacks, landscaping, parking, design guidelines and the City's requirements for drive-through facilities. He added that the Engineering Division has evaluated the proposed project and

has determined that the design of the drive-through facility is safe and will not present any problems in terms of ingress/egress and circulation and will not impact that surrounding street system. The Traffic Division has analyzed traffic impacts and Mr. Ratkay addressed average trip-generation per day. The Traffic Division has declared there will be no traffic impacts associated with the proposed use as it will generate less traffic than the current service station. He addressed CEQA compliance issues and the Mitigated Negative Declaration adding that there are short-term impacts related to construction of the site. There are mitigation measures that will be imposed upon the project that will reduce those impacts to a level of no significance. He added that no written comments were received opposing or supporting the project but that on September 29, 2014, staff received several phone calls from different residents in the neighborhood voicing their opposition to the development. Concerns were traffic in the surrounding community, environmental impacts of removing the service station tanks and traffic in the existing shopping center.

Discussion followed regarding the proposed starting time of the business. It was noted that if the start time were to be 6:00 a.m., there would be no need for a Conditional Use Permit.

In response to Chair Nguyen's inquiry, Mr. Ratkay reported that the applicant is not requesting any variances from City standards. He added that no matter what business were to be proposed on the site, the tanks would need to be removed and a requirement would be imposed to continue monitoring the ground water to ensure there are no additional contaminants.

Brief discussion followed regarding approval by the appropriate Orange County agency regarding the completion of the soil remediation process and removal of the tanks.

Chair Nguyen opened the public hearing.

James Bickel, Project Architect, 3600 Birch Street, #200, Newport Beach, California, offered to respond to inquiries from the Commission.

Glen Hartigan, Applicant, 610 Newport Blvd., #400, Newport Beach, California, representing the developer and franchisee, reported that they seek a long-term relationship with the neighborhood. He stated that as the Construction Manager, he will be deeply involved in the construction process and that they have taken great care in designing the facility. Mr. Hartigan addressed the architectural design, elevations, colors, their commitment to minimizing their environmental footprint, landscaping, improved traffic safety and congestion, removal of the tanks, staffing and job creation.

Discussion followed regarding removal of equipment on the site, vehicle queuing on the site, proposed signage, and community outreach and providing contact information during construction.

Diana Kaufman, 15432 Maryknoll Street, Westminster, California, requested a copy of the proposed design in order to share it with nearby residents and asked regarding the proposed signage. She hoped that the project will encourage other businesses to improve their sites and help revitalize the neighborhood. She expressed concerns regarding increased traffic and congestion and commented positively on the design. Additionally, she expressed concerns with odors but felt that the proposed donut shop will enhance the area.

Ensuing discussion pertained to community outreach and the height of the proposed sign. Chair Nguyen asked staff to comment on the height of the proposed wall sign compared to the height of the wall sign on the Del Taco building to the north. Mr. Ratkay discussed the height of the two signs.

Jim Miller, 15202 Yorkshire Lane, Huntington Beach California, opined that there is a need for a gas station on the site noting that many have closed. He spoke in opposition of the project noting that there are already two donut shops nearby.

Chair Nguyen invited the applicant to the podium to address some of the comments expressed by the public.

Glen Hartigan addressed the preparation of donuts noting they are prepared off-site and frozen. The facility will have no grease or fryers and has two hoods for heat exhaust. Additionally, he addressed the height of the proposed sign. In response to an inquiry by a member of the public, Mr. Hartigan addressed the timeline for demolition and construction.

There being no others wishing to address the Planning Commission, Chair Nguyen closed the public hearing.

Members of the Commission commented positively on the development.

Motion: It was moved by Lieberg, and seconded by Manzo, to adopt a resolution approving an initial study/mitigated negative declaration. The motion carried (4-0) by the following vote:

AYES: Nguyen, Anderson, Manzo, Lieberg
NOES: None
ABSENT: Ho
ABSTAIN: None

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Motion: It was moved by Manzo, and seconded by Lieberg, to adopt a resolution approving the project, subject to conditions. The motion carried (4-0) by the

following vote:

AYES: Nguyen, Anderson, Manzo, Lieberg
NOES: None
ABSENT: Ho
ABSTAIN: None

9. **REGULAR BUSINESS** - None
10. **REPORTS** – None
11. **MATTERS FROM THE PLANNING COMMISSION** - None
 - 11.1 **AB 1234 Reports** – None
12. **ADJOURNMENT** - At 7:20 p.m., Chair Nguyen adjourned the meeting to a Regular Meeting on Wednesday, October 15, 2014 at 6:30 p.m.

Khanh Nguyen
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Art Bashmakian
Planning Commission Secretary