



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
December 17, 2014
6:30 p.m.**

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

PRESENT: Anderson, Lieberg, Manzo
ABSENT: Ho

2. SALUTE TO FLAG:

Planning Commission Secretary Art Bashmakian led the salute to the flag.

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

4. EX PARTE COMMUNICATIONS

Commissioner Lieberg reported visiting all sites for which Public Hearings will be conducted this evening.

Commissioner Manzo reported visiting the subject location under Item No. 8.1.

Vice Chair Anderson also reported visiting sites.

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS - None

7. APPROVAL OF MINUTES – November 5, 2014

Motion: It was moved by Manzo, and seconded by Lieberg, to approve the November 5, 2014 Planning Commission Minutes. The motion carried (3-0) by the following vote:

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

8. PUBLIC HEARINGS

- 8.1 **Case No. 2014-87 (Conditional Use Permit)**
Location: 7821 Westminster Blvd. (Assessor's Parcel Number 093-321-10)
Applicant: Raymundo Gonzales

Request that a determination of Public Convenience or Necessity would be served by the issuance of an on-sale beer and wine license at a sports bar by the Department of Alcoholic Beverage Control.

RECOMMENDATION: Determine that the Public Convenience or Necessity would not be served by the issuance of the ABC License.

CEQA COMPLIANCE: The proposed matter was determined not to be subject to CEQA pursuant with Public Resources Code 21080.b.

Associate Planner Alexis Oropeza presented details of the staff report addressing the proposed use and noting that the City does not issue alcohol licenses but rather is under the purview of the State. She addressed review by the Police Department and stated that although they are not necessarily opposed to the request, they would like an opportunity to impose conditions. She provided recommendations and offered to respond to questions from the Commission.

Discussion followed regarding comments from the Police Department and it was noted that they are not opposed to having another ABC license issued, but should the item be approved, they would like to see conditions placed on same. Ensuing discussion pertained to not being able to place conditions for lack of a Conditional Use Permit at this time and the actions required of the Planning Commission.

Vice Chair Anderson opened the Public Hearing.

Arthur Johnston, Applicant, 14341 Jackson Street, Midway City, commented on the transfer of the business license, as is. Although he is not applying for a Conditional Use Permit, he stated that he is open to having conditions placed on the license. He addressed his experience in the sports bar industry adding that he has never had any problem with the Police or cities in which he has done business. He addressed upgrades and improvements made as well as community outreach and participation.

Discussion followed regarding other planned upgrades, the possibility of adding windows, additional improvements including lighting, hours of operation and appealing to a higher-level of clientele.

Susan Strong, Property Manager, 150 Paularino, Costa Mesa, representing the ownership, spoke in support of the proposed project and stated they have done their due diligence. She spoke positively regarding the business skills of the

applicant.

Discussion followed regarding cleaning up the property.

Vice Chair Anderson closed the Public Hearing.

Ensuing discussion followed regarding crimes not related to the bar operation, the possibility of directing the applicant to add windows, possible risks and not being able to impose conditions at this time.

It was noted that the business has previously operated as a bar for many years, the business would offer convenience to neighborhood residents and that it is beneficial that the property will no longer be vacant.

Motion: It was moved by Manzo, and seconded by Lieberg, to determine that the Public Convenience would be served by the issuance of the ABC License. The motion carried (3-0) by the following vote:

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

8.2 Case No. 2013-111 (Conditional Use Permit)
Location: 5966 Westminster Blvd. (Assessor's Parcel Number 195-141-02)
Applicant: Taqueria Guerrero Style/Carlos Orellana

Request for a Conditional Use Permit (CUP) to sell beer and wine for on-site consumption from 6 AM to 2 AM, daily at an existing restaurant and to operate the restaurant 24 hours, daily.

RECOMMENDATION: To approve the application subject to the conditions of approval that limits the on-site sale of alcohol to the operating hours of the restaurant from 9 AM to 10 PM daily.

CEQA COMPLIANCE: The proposed matter is exempt from CEQA pursuant to Class 1, Section 15301 pertaining to exemption for existing facilities.

Associate Planner Steve Ratkay provided details of the staff report addressing location, surrounding properties, existing conditions and uses, zoning, details of the proposal and type of ABC license. He addressed factors considered in developing recommendations including a report by and concerns of the Police Department, types of surrounding uses, proposed operating hours and other ABC licenses in the surrounding area. He presented findings and recommendations as listed in the report.

Vice Chair Anderson opened the Public Hearing.

Keith Gardner, representing the Applicant, thanked City staff and agreed with the Conditions of Approval.

Carlos Orellana, Applicant, responded to questions from the Commission regarding operating hours. He noted that he has operated in the same location for over ten years and felt that by adding the sale of beer and wine, his business would improve. He requested approval of operating hours from 6 AM to 2 AM daily and noted the need for a sign. He added that most people go out at 10:00 PM and that limiting the sale of alcohol to that time would not help.

Discussion followed regarding possible existing Code violations including a sign in the back of the business and flashing lights in the window.

Julie Carey, 13891 Sherman Street, Westminster, expressed concerns regarding possible adverse impacts of selling beer and wine until 2:00 AM, especially as the business is near residential uses.

Mr. Gardner stated that the applicant wishes to be a good neighbor.

Vice Chair Anderson closed the Public Hearing.

Discussion followed regarding possible challenges with a small venue serving beer and wine during the late night hours, another similar business opening nearby, the possibility of eliminating the condition prohibiting the advertisement of beer and wine service and modifying the hours of operation.

Motion: It was moved by Lieberg, and seconded by Anderson, to approve the application subject to the conditions of approval that limits the on-site sale of alcohol to the operating hours of the restaurant from 9 AM to 10 PM daily. The motion carried (3-0) by the following vote:

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

- 8.3 Case No. 2014-89 (Development Review)**
Location: 13841 Milton Street (Assessor's Parcel Number 203-313-07)
Applicant: Westminster Lutheran Church of Hope

An amendment to a previously approved ancillary building at a place of religious worship. The proposed second floor would increase the height of the building to 22 feet and increase the floor area to 1,600 square feet. The proposed second floor would be used to store church supplies and equipment.

RECOMMENDATION: To approve the application subject to the conditions of approval.

CEQA COMPLIANCE: The proposed matter is exempt from CEQA pursuant to Class 3, Section 15303 which exempts the construction of new structures not exceeding 2,500 square feet in area.

Associate Planner Steve Ratkay provided details of the staff report addressing location, past entitlements granted, existing conditions, surrounding uses, zoning, prior Planning Commission approval of a request to expand the campus and construct a new building and the details of the currently-proposed project. He addressed first- and second-floor plans, architectural design, materials and colors, compliance with the Zoning Code and recommendations.

Discussion followed regarding location of air-conditioning units and wall packs and condition of approval regarding lighting not shining into adjoining residential properties.

Vice Chair Anderson opened the Public Hearing.

Dana Skaggs, 10805 El Mar Avenue, Fountain Valley, spoke in support of the proposed project. He addressed visibility and location of the wall packs, the possibility of installing condensers and HVAC units in the attic, roofing materials, adding enhanced architectural elements and adding a window on the second floor.

Vice Chair Anderson closed the Public Hearing.

Ensuing discussion pertained to compatibility of the proposed building to other buildings on the site and the importance of incremental improvements.

Motion: It was moved by Anderson, and seconded by Manzo, to approve the application subject to the conditions of approval. The motion carried (3-0) by the following vote:

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

9. REGULAR BUSINESS

- 9.1 **Case No. 2014-101 (Zoning Clearance).**
Location: 14712 Davis Street (Assessor's Parcel Number 195-141-02)
Applicant: Richard Bui

Design review for the reconstruction of a single family home.

RECOMMENDATION: Determine if the proposed design is compatible with the design of the surrounding neighborhood and whether a three-car garage will be required.

Planning Commission Secretary Art Bashmakian presented details of the report and addressed the various applicable Code sections, location, the proposed design and types of structures in the surrounding area. He stated that staff is not comfortable determining compatibility with the surrounding neighborhood and is therefore, presenting the project to the Planning Commission for its determination. Additionally, he commented on the number and definition of bedrooms and asked that the Planning Commission consider whether a three-car garage will be required, based on same.

Vice Chair Anderson opened public comments.

Richard Bui, Applicant, 14712 Davis Street, Westminster, commented on the design of the residence and similar structures in the neighborhood. He reported speaking to his neighbors who indicated they liked the proposed design. He asked that the Planning Commission approve the project. Regarding the garage, he stated that he will accept the Planning Commission's determination.

Discussion followed regarding possible locations for the three-car garage.

Vice Chair Anderson closed public comments.

Discussion followed regarding the size of the proposed residence compared to those in the existing neighborhood, possible negative impacts to the neighborhood because of the large size of the house, the possibility of the house being used as other than a single-family residence, the need to meet Code requirements and the design of the fifth bedroom.

Ensuing discussion pertained to setbacks, whether size could be part of the design element, lot coverage, and compliance of the house with City standards, the possibility of adding requirements to address the issue of size in future applications and parking.

In response to Vice Chair Anderson's inquiry regarding considering mass as part of the design, City Attorney Baron Bettenhausen reported that the criteria for compatibility is not specifically defined, but there is justification for considering size in comparison with the neighborhood, when discussing compatibility.

Discussion continued regarding determining that the design is not compatible and asking that the applicant work with staff to develop another design and the applicant's ability to appeal the Planning Commission's determination to City

Council.

Motion: It was moved by Manzo, and seconded by Lieberg, to determine that the proposed design is not compatible with the design of the surrounding neighborhood and that a three-car garage will be required. The motion carried (3-0) by the following vote:

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

10. REPORTS – None

11. MATTERS FROM THE PLANNING COMMISSION

11.1 AB 1234 Reports

11.2 Discussion of the potential use of social medial for notification of City events in addition to the City’s website.

Commissioner Manzo reported that the City has a Facebook account but that it is not used to its full capability. He suggested directing staff to post City events on the Facebook page in addition to the City's website for increased community participation.

Planning Commission Secretary Art Bashmakian reported that the Police Department and Community Services also have Facebook pages. He added that information regarding the General Plan Update has been added to these. Members of the Commission may also address Council as individuals with suggestions regarding the use of social media.

Discussion followed regarding the process, next steps and sending a communication to City Council with the Planning Commission's suggestions.

City Attorney Baron Bettenhausen stated that the specific authority granted to the Planning Commission focuses on land-use issues and recommendations to Council are made in connection to those issues.

12. **ADJOURNMENT:** At 8:20 p.m., Vice Chair Anderson adjourned the meeting to a Regular Meeting on Wednesday, January 21, 2015 at 6:30 p.m.

Don Anderson
Vice Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Art Bashmakian
Planning Commission Secretary