



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
November 1, 2017
6:30 p.m.**

1. PLANNING COMMISSION ROLL CALL:

BUI, MANZO, A.NGUYEN, Q.NGUYEN, AND RICE

PRESENT: BUI, A.NGUYEN, Q.NGUYEN, RICE

ABSENT: MANZO

STAFF PRESENT:

Steven Ratkay, Planning Manager; Sandie Kim, Associate Planner; Christina Michaelis, Assistant Planner; Shelley Dolney, Administrative Assistant; Carrie Raven, Deputy City Attorney.

2. SALUTE TO FLAG:

Commissioner A.Nguyen led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there were no late communications.

4. EX PARTE COMMUNICATIONS

Vice Chair Rice reported visiting the sites for 8.1 and 8.2, she also reported that she had been present during City Council Meetings where item 8.3 was discussed.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

There were no members of the public wishing to speak during oral communications.

7. APPROVAL OF MINUTES – October 18, 2017

Motion: It was moved by Commissioner A. Nguyen and seconded by Commissioner Q. Nguyen, to approve the Planning Commission meeting minutes of October 18, 2017, as presented. The motion carried (4-0) with the following vote:

AYES: BUI, A.NGUYEN, Q.NGUYEN, RICE
NOES: NONE
ABSENT: MANZO
ABSTAIN: NONE

8. PUBLIC HEARINGS

8.1 Case No. 2016-40 – Conditional Use Permit (CUP) to establish a nursery on Southern California Edison property

Location: Near the southwest corner of Hoover Street and 21st Street (Assessor's Parcel Number 096-062-27)

Applicant: Van Nguyen

Project Planner: Sandie Kim, Associate Planner

The proposed project involves a request for a Conditional Use Permit to establish a new 69,500 square-foot plant nursery on a portion of Southern California Edison Right-of-Way.

CEQA COMPLIANCE: The proposed matter is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3, Section 15303, which applies to projects consisting of construction and location of limited numbers of new, small facilities or structures, and the installation of small new equipment and facilities.

RECOMMENDATION: That the Planning Commission defer the public hearing to the regular meeting of November 15, 2017, as requested by the applicant.

Planning Manager Steven Ratkay stated a request was received from the applicant to defer the matter until the November 15th Planning Commission Meeting, in order to provide additional information for the Planning Commission's consideration.

Motion: It was moved by Commissioner A. Nguyen, and seconded by Commissioner Q. Nguyen, to defer Case No. 2016-40, a conditional use permit to establish a new 69,500 square-foot plant nursery on a portion of Southern California Edison Right-of-Way. The motion carried (4-0) with the following vote:

AYES: BUI, A.NGUYEN, Q.NGUYEN, RICE
NOES: NONE
ABSENT: MANZO
ABSTAIN: NONE

8.2 Case No. 2017-54 – Conditional Use Permit (CUP) for off-site consumption of alcoholic beverages

Location: 14731 Goldenwest Street (Assessor's Parcel Number 195-353-07)

Applicant: Steve Rawlings on behalf of Alcoholic Beverage Consultants

Project Planner: Christina Michaelis, Assistant Planner

Project Name: 99 Cents Only Store

The proposed project involves a request for a request for a Conditional Use Permit to obtain an Alcoholic Beverage Control (ABC) type 20 license to allow for the sale of beer and wine for off-site consumption of alcohol at an existing 14,007 square-foot grocery store.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the requirements of the City and has been found to be categorically exempt per Class 1 (Section 15301 existing facilities per the CEQA Guidelines), since the project is for the licensing of a commercial use within an existing structure and business.

RECOMMENDATION: That the Planning Commission approve Conditional Use Permit 2017-54 for the sale of beer and wine for off-site consumption at a 99 Cents Only Store, subject to conditions of approval.

Assistant Planner Christina Michaels provided a presentation to the Commission.

Discussion ensued about whether other 99 Cent Only stores had alcohol licenses, the public noticing requirements, the distance of the site from the nearby school, communications received by surrounding residents in opposition, and other alcohol uses within the census tract.

VICE CHAIR RICE OPENED THE PUBLIC HEARING AND ASKED THOSE IN FAVOR TO SPEAK.

Steve Rawlings, applicant representing 99 cent store, provided a presentation to the Commission. He stated the 99 Cent Only Store was founded in 1982 and has expanded to 400 stores today; adding over 100 stores are licensed to sell alcohol and none of their stores have any violations with the Alcoholic Beverage Control. He offered that 75 percent of the store sells the same products that you would find in a typical grocery store, so the addition of alcoholic beverages would provide convenience to their customers. He added that the alcohol is displayed warm for people to purchase and enjoy later, none of their alcohol is displayed in the cooler. Mr. Rawlings offered some anecdotal information about 99 Cent Store fans who write articles and books about the store; and, offered that a majority of the items in the store are 99 cents, but they also sell products for \$1.99, \$2.99, \$3.99 to explain how they incorporate the 99 cents as stated in their name. He concluded that he concurred with the conditions of approval and was present to answer any questions.

Commissioner Bui commented that the name of the store is 99 Cent Only Store and he objected to some products in the store being over 99 cents. Mr. Rawlings explained that prices have inflated since the store opening in 1982, he offered an example where a smaller product size may be priced 99 cents, while a larger size product may be \$2.99.

Commissioner Q. Nguyen inquired if there were any minimum distance requirements of businesses with alcohol permits. Assistant Planner Christina Michaelis stated that with an overconcentration of alcohol uses within the census tract, there must be a finding of convenience and necessity; adding the request was reviewed by the Police Department and they were not in opposition to the project despite the over concentration of alcohol uses.

Mr. Rawlings spoke about the census tracts, explaining the formula that the Alcoholic Beverage Control uses is sort of arbitrary. Since the population is already divided up by census tracts, using the census tract was the easiest way to regulate but it is blind to the way zoning works. He further explained, commercial retail is concentrated into the same generalized vicinity which creates an easy over-concentration of ABC licenses. He also stated the ABC provides a figure for allowed licenses, but defers the decision to the local municipality to decide what works best for their community.

Vice Chair Rice stated she liked the fact that the alcohol is not cold so it would deter immediate consumption. She confirmed with Mr. Rawlings that he agreed with the conditions of approval and stated she was in favor of approval.

VICE CHAIR RICE ASKED THOSE IN OPPOSITION TO SPEAK, THERE BEING NONE VICE CHAIR RICE CLOSED THE PUBLIC HEARING.

Motion: It was moved by Commissioner A. Nguyen, and seconded by Vice Chair Rice, to approve Case No. 2017-54, a conditional use permit to allow for the sale of beer and wine for off-site consumption of alcoholic beverages at a 99 Cent Only Store. The motion carried (3-1) with the following vote:

AYES:	A.NGUYEN, Q.NGUYEN, RICE
NOES:	BUI
ABSENT:	MANZO
ABSTAIN:	NONE

8.3 Case No. 2017-95 – Zoning Text Amendment – Banners and Window Signs

Location: Citywide

Applicant: City of Westminster

Project Planner: Christina Michaelis, Assistant Planner

A proposed Zoning Text Amendment to modify the regulations for temporary banner and window signs.

CEQA COMPLIANCE: The proposed matter is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 5 (Section 15305 for Minor Alterations in Land Use Regulations per the CEQA Guidelines), since the project makes minor changes to the sign regulations effecting window signs and temporary banner signs for commercial businesses located within non-residential areas of the City.

RECOMMENDATION: That the Planning Commission conduct a public hearing, take public testimony and recommend to the City Council adoption of an ordinance amending various code standards regarding temporary banner and window signs.

Assistant Planner Christina Michaels provided a presentation to the Commission.

Discussion ensued about Code Enforcement's involvement with the requirements in the zone text amendment, the number of banners allowed, and enforcement of the violations.

VICE CHAIR RICE OPENED THE PUBLIC HEARING THOSE IN FAVOR OR OPOSITION TO SPEAK, THERE BEING NONE VICE CHAIR RICE CLOSED THE PUBLIC HEARING.

Motion: It was moved by Commissioner A. Nguyen, to recommend adoption of an Ordinance for Case No. 2017-95 to the City Council, amending various code standards regarding temporary banner and window signs, as presented by staff. The motion failed without a second.

Motion: It was moved by Commissioner Q. Nguyen, to recommend adoption of an Ordinance for Case No. 2017-95 to the City Council, amending various code standards regarding temporary banner and window signs, as presented by staff with the exception of recommending two banners allowed per business instead of one as proposed. The motion failed without a second.

Commissioner A. Nguyen confirmed with staff that the current code allows two banners per business and the City Council is recommending one banner per business.

Deputy City Attorney Carrie Raven stated that the City Council had promulgated a policy decision to allow one sign by the City Council; and, what is before the Planning Commission is to recommend approval or recommend denial of the zone text amendment promulgated by the City Council. She further explained that the Planning Commission had authority to make a recommendation of a change to the zone text amendment, but did not have authority to change the amendment.

Planning Manager Steven Ratkay provided the history zone text amendment and stated the City Council is comfortable with the draft zone text amendment; adding,

the reason it is before the Commission is that under the Government Code for the State of California, any sort of amendment to the Zoning Code must come through a recommendation from the Planning Commission to the City Council.

Vice Chair Rice commented that she believed the reason for the change in the Code, besides the clutter, was to assist police with visibility into businesses.

Commissioner A. Nguyen inquired and confirmed with the Deputy City Attorney that the Commission can recommend a change to the proposed zone text amendment along with the recommendation of approval.

Motion: It was moved by Commissioner A. Nguyen, and seconded by Commissioner Q. Nguyen, to recommend adoption of an Ordinance for Case No. 2017-95 to the City Council, amending various code standards regarding temporary banner and window signs, as presented by staff with the exception of recommending two banners allowed per business instead of one as proposed. The motion passed. (3-1) with the following vote:

AYES: BUI, A.NGUYEN, Q.NGUYEN
NOES: RICE
ABSENT: MANZO
ABSTAIN: NONE

9. REGULAR BUSINESS - None

10. REPORTS – None

11. MATTERS FROM THE PLANNING COMMISSION

Commissioner A. Nguyen read an article Orange County Register about the City of Garden Grove prohibiting panhandling and wondered if the City of Westminster would take a similar action. Planning Manager stated he could follow up with the City Manager's office, however the issue was outside of the purview of the Planning Commission. Vice Chair Rice stated she had knowledge that the Police Department is working on the issue of panhandling and referred Commissioner A. Nguyen to call Deputy Chief Collins for an update.

Commissioner Bui, stated there was a recent shooting at a restaurant on Beach Boulevard, he wanted to recommend to the Police Department to hold a town hall meeting to explain to people the rules, regulations, to protect people and control these incidents in the future. Vice-Chair Rice stated that is a police matter and referred to him to the Chief or Deputy Chief for information on upcoming meetings which they hold regularly regarding crime throughout the entire City.

11.1 AB 1234 REPORTS - None

11.2 MATTERS FROM STAFF

Planning Manger Steven Ratkay spoke about remaining calendar meeting dates and that a more formal report will be brought back for the cancellation of the January 2018 meeting date.

12. **ADJOURNMENT** – The meeting was adjourned at 7:38 p.m. to a regular meeting on Wednesday, November 15, 2017 at 6:30 p.m. in the City Council Chambers.

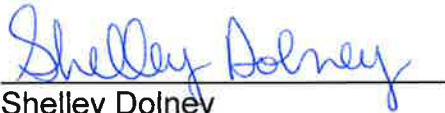


Anita Rice
Vice Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant II