



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
December 6, 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 Michaels, Assistant Planner; Meme Torio, Planning Technician; Zharfa Ranjbar, Community Development Intern; Peter Lange, Contract Assistant Planner; Adolfo Ozaeta, Traffic Engineer; Soroosh Rahbari, Community Development Director; Margie Rice, Council Member; Shelley Dolney, Administrative Assistant; Carrie Raven, Deputy City Attorney.

2. SALUTE TO FLAG:

Commissioner Bui led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there was one late communication in relation to item 8.1.

4. EX PARTE COMMUNICATIONS

Vice Chair Rice reported visiting the site for 8.1.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

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

7. APPROVAL OF MINUTES – November 15, 2017

Motion: It was moved by Commissioner A. Nguyen and seconded by

Commissioner Q. Nguyen, to approve the Planning Commission meeting minutes of November 15, 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. 2017-35 – Conditional Use Permit, Development Review, and Tentative Parcel Map

Location: 14041 Beach Boulevard (APN # 096-332-60)

Applicant: Dan Almquist on behalf of Beachminster, LLC

Project Planner: Christina Michaelis, Assistant Planner

A proposal for a Conditional Use Permit, Development Review, and a Tentative Parcel Map to construct an approximately 2,000 square foot drive through coffee shop with indoor and outdoor seating, proposed to be open 24 hours daily.

CEQA COMPLIANCE: The proposed matter is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3, Section 15303, which pertains to the new commercial building that is less than 10,000 square feet in floor area on a site zoned for such use which does not involve the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

RECOMMENDATION: That the Planning Commission:

(1) Approve Conditional Use Permit, Development Review, and a Tentative Parcel Map 2017-35 to construct a new drive through coffee shop operating 24 hours a day, subject to conditions of approval.

(2) Determine if the proposed building design is consistent with the Community Design Element of the Westminster General Plan and Design Guidelines Manual.

Assistant Planner Christina Michaelis provided a presentation to the Commission.

Commissioner Bui inquired if a traffic study had been completed. Assistant Planner Michaelis affirmed that a traffic study had been completed. She added that all City departments, including traffic engineering, had an opportunity to comment on the project. She stated that no significant issues were identified in the traffic study or the department comments.

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

Dan Almquist, representing Frontier Real Estate - property owner, stated he doesn't have much to add to the presentation that was already provided; adding they have met with the Planning Department and they will work with them to incorporate the various elements suggested.

Commissioner Q. Nguyen inquired about overnight operating hours and security during this time. Vice Chair Rice inquired about the intended operating hours and whether the inside lobby is also open during overnight hours. Commissioner Bui inquired if the nearby Starbucks location would continue to remain open thereby placing two Starbucks locations within a close vicinity.

Kamen Wong, representing Starbucks, stated that the stores all have security systems that operates 24 hours a day. The hours of operation really depends on the operators of the particular Starbucks location and the consumer demand for the area; adding that most stores close the lobby between midnight and 6:00 AM. He stated that the Starbucks location on the southeast corner of Westminster Boulevard and Beach Boulevard would close when this new location opens.

Commissioner Bui and Vice Chair Rice inquired about the vehicular congestion in the area and the flow of traffic through the drive-thru and on to the street. Mr. Almquist stated that they worked with the City to make sure that the street congestion and queuing of vehicles was mitigated with the site layout.

City Traffic Engineer Adolfo Ozaeta stated 16th street is an underutilized roadway with low traffic present. We asked the developer to perform two separate sets of traffic count analysis so we could consider the actual number of vehicles that traveled the roadway. He stated the analysis showed there is about 700 vehicles per day which equals about one car every minute during peak hours. He further explained that with the development they expect about two cars every minute during peak hours, so it will not be a huge increase in traffic. He added that the study included counts at multiple intersections in the quadrant and the conditions of the roadway including the intersections of the immediate area will not see any significant changes as a result of the project since there will be a redistribution of traffic as people come to the development from different directions. He stated they also hired a 3rd party firm to visit other coffee shops of this size in nearby locations within Orange County. The firm collected queuing information during the busy hours of the day to make sure that the horseshoe shape was sufficient to allow enough vehicles to queue during the busiest times of the day. So, the numbers we are working with is actual data from similar sized coffee shops in nearby cities. He asked the Commission keep in mind that peak hour of 7:15 to 8:15 AM will be putting a high demand available queuing space, but the remainder part of the day there will be more than enough room to accommodate the arriving and departing vehicles.

Commissioner Bui inquired about putting a no right turn sign on the southwest corner of Beach Boulevard and Westminster Avenue. Traffic Engineer Ozaeta

stated Beach Boulevard is a State Highway so they could reach out to Caltrans who controls Beach Boulevard and see if they would be willing to install a no right turn on red sign at that intersection.

VICE CHAIR RICE ASKED THOSE IN OPPOSITION TO SPEAK

Don Anderson, Westminster resident, stated he was on the General Plan Advisory Committee which helped the General Plan get adopted. He referred to picture in the staff report about the proposed development elevation in relation to the neighboring Chase Bank. He emphasized that the General Plan is required by the State of California and read an excerpt from the Governor's office from Planning and Research, "the General Plan is a Community blueprint for future development, it describes the community's development goals and policies, it is also the foundation for land use decisions made by the Planning Commission, City Council, and then it talks about the Board of Supervisors at the County level." He added that he didn't believe the developer was looking at the requirements of the General Plan or the Design Guidelines on their initial proposal. He acknowledged that the developer stated he was willing to work with staff, but he felt the building had a long way to go before it was compatible with the surrounding structures. He recommended the Planning Commission give staff the latitude to work with the developer and get a good quality development.

David Lantry, Westminster resident, stated he lives on Pacific Street. He felt that there was more traffic normally than what was presented on the study and felt the new development would cause more traffic along the alleyway and along Pacific which he felt was not considered in the study. He also felt that air quality would suffer and vagrancy would increase in the area due to the 24 hour operation. He concluded that he was in favor of expanding business, but was concerned about the impact to the surrounding residents.

VICE CHAIR RICE ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL.

Dan Almquist, representing Frontier Real Estate – property owner, reiterated that they do want to work with the City on the elevations. He added, not only did the Commission have Frontier's word about modifying the elevations, it was also added as a condition of approval. He stated the importance of the elements and look of the corner was very clear. Regarding traffic, he stated, he didn't want to discount what the resident said, but extensive traffic studies were done and experts have looked at the traffic issue closely.

VICE CHAIR RICE CLOSED THE PUBLIC HEARING.

Commissioner Bui commented that he would like to add a condition that Caltrans installs a "no right-turn on red" sign at the southwest corner of Westminster and Beach Boulevard, due to the traffic congestion at that corner.

Deputy City Attorney Raven stated that we can request the sign, but we cannot require the sign because it is dependent on another agency and approving the sign is out of our control.

Discussion ensued amongst the Commissioners about the overnight hours, the possibility of conditioning an overnight closure, and the building design compatibility.

Motion: It was moved by Commissioner A. Nguyen, and seconded by Commissioner Bui to approve Case No. 2017-35, a conditional use permit, development review, and a tentative parcel map to construct a new drive through coffee shop operating 24 hours a day as recommended by staff, subject to conditions of approval; and, determined the project is consistent with the Westminster General Plan and Design Guidelines Manual provided that the exterior design of the building is revised and staff is given the latitude to work with the applicant as noted in the proposed change to condition number 26. Additionally, the Commission desires the developer and staff to work with Caltrans to request a “no right turn on red” sign be placed at the southwest corner of Beach Boulevard and Westminster Boulevard. The motion carried (3-1) with the following vote:

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

Approved change to Condition 26, as requested in late communications:

The applicant shall work with City Staff to incorporate brick and stucco elements on all elevations of the structure to replace the metal siding and cross timbers shown on the submitted plans, dated October 10, 2017. Further, the applicant shall incorporate windows on the east facing elevation, which are compatible with the design of windows on the adjacent buildings. Prior to the submittal of plans for Building Plan Check, the applicant shall submit revised building elevations to the Planning Division, with the design features listed above which will ensure that the design of the building is compatible with the adjacent buildings as described in the Westminster General Plan and Design Guidelines Manual.

9. REGULAR BUSINESS - None

10. REPORTS

10.1 Case No. 2017-19 – Review of Comment Letters Concerning Conversion Application for Green Lantern Mobile Home Park (14352 Beach Blvd) filed by the Legal Aid Society of Orange County and the Kennedy Commission.

Planning Manager Steven Ratkay provided a report to the Commission. He explained that the report is for informational purposes only and there was no action required. The Commission received and filed the report.

10.2 Scheduled meeting Cancellations

Planning Manager Steven Ratkay reported that December 20, 2017 and January 3, 2018 will be cancelled. He explained that the meeting of January 17th may be cancelled as well depending if there are any items to bring to the Commission.

10.3 Consideration of special meeting date in January/February 2018

Planning Manager Steven Ratkay provided a report to the Commission detailing the need for a special meeting date for the Conversion Impact Report for the Green Lantern Mobile Home Park development. The Commission confirmed they would be available on Monday, February 12, 2018 for the special meeting.

11. MATTERS FROM THE PLANNING COMMISSION

Vice Chair Rice confirmed with staff that they will be working with the Developer to make sure the design is more compatible. Planning Manager Steven Ratkay stated that they had met with the developer and will continue to work with them to redesign and improve compatibility.

The Commissioners offered their appreciation for staff and wished staff a happy holiday.

11.1 AB 1234 REPORTS - None

11.2 MATTERS FROM STAFF

Planning Manger Steven Ratkay thanked the Planning Commission for their hard work and appreciated their efforts. He wished the Commission a great holiday season.

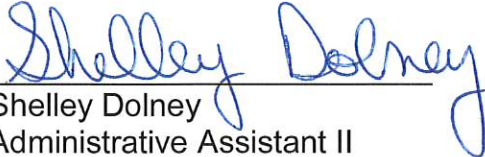
12. ADJOURNMENT – The meeting was adjourned at 7:29 p.m. to a regular meeting on Wednesday, January 17, 2018 at 6:30 p.m. in the City Council Chambers.


Carlos Manzo
Chairman



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant II