



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
July 18, 2018
6:30 p.m.**

1. PLANNING COMMISSION ROLL CALL:

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

PRESENT: MANZO, A.NGUYEN, Q.NGUYEN

ABSENT: BUI, RICE

Commissioner Bui arrived at 6:33 PM.

STAFF PRESENT:

Steven Ratkay, Planning Manager; Christina Michaelis, Assistant Planner; Adolfo Ozaeta, City Traffic Engineer; Barron Bettenhausen, Deputy City Attorney; Shelley Dolney, Administrative Assistant.

2. SALUTE TO FLAG:

Chair Manzo led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there were two late communications regarding item 8.2. A letter from the applicant and a letter in support were received.

4. EX PARTE COMMUNICATIONS - None

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

Christopher Ochoa, representing *Future Farmers of America*, stated he wished to speak about Case No. 2015-07. He was informed that we will receive comments for Case No. 2015-07 during the public hearing for that project.

7. APPROVAL OF MINUTES - May 16, 2018 and June 6, 2018

Motion: It was moved by Commissioner A. Nguyen, and seconded by Chair Manzo, to approve the Planning Commission meeting minutes of May 16, 2018, as

presented. The motion carried (4-0) with the following vote:

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

Motion: It was moved by Chair Manzo, and seconded by Commissioner A. Nguyen, to approve the Planning Commission meeting minutes of June 6, 2018, as presented. The motion carried (5-0) with the following vote:

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

8. PUBLIC HEARINGS

8.1 Case No. 2015-07 – General Plan Amendment, Zoning Map Amendment and Development Review

Location: 14731 Goldenwest Street, and 6942 Sowell Avenue (Assessor's Parcel Numbers 195-353-03, 195-353-07)

Applicant: Monserrat De Lira

Project Planner: Christina Michaelis, Assistant Planner

PROJECT DESCRIPTION: a request for a General Plan Amendment (GPA) changing the land use designation from Residential-Low to Regional Commercial; a Zone Map Amendment (ZMA) amending the zoning district designation from R-1 (Single Family Residential) and R-1-P (Single Family Residential with parking overlay) to C-2 (General Business) and Development Review (DR) to develop the site with an approximately 4,300 square foot commercial building with a drive thru.

CEQA COMPLIANCE: in accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) was prepared by Hodge and Associates and is recommended for consideration by the Planning Commission. The IS/MND identified the following environmental factors to be potentially affected: aesthetics, biological resources, hazards and hazardous materials, hydrology and water quality, noise and public services.

RECOMMENDATION:

1. That the Planning Commission recommends to the Mayor and City Council the adoption of a Mitigated Negative Declaration for the 4,300 square foot commercial building, General Plan Amendment and Zone Map Amendment; and

2. That the Planning Commission recommends to the Mayor and City Council approval of the requested General Plan Amendment, Zone Map Amendment and Development Review, subject to the recommended conditions of approval

Assistant Planner Christina Michaelis provided a presentation to the Commission.

Commissioner Bui inquired if a traffic study had been completed and if a red light might be installed at the intersection of Sowell Avenue and Goldenwest Street to prevent accidents.

Chair Manzo stated he was concerned about increased traffic due to the drive-thru restaurant. He added he preferred some additional landscaping to help mitigate the sound from the menu board.

Assistant Planner Michaelis stated a traffic study was completed and included as an attachment in the agenda packet. Additionally, she stated the condition regarding landscaping in the resolution that can be modified if the Commission desires.

City Traffic Engineer Adolfo Ozaeta, stated the proposed project complied with current design standards regarding traffic. He provided traffic statistics for the intersection of Sowell Avenue and Goldenwest Street. He stated the roadway is currently underutilized and that the additional traffic expected for the project equates to one vehicle per day. He further added that a traffic study was not required for this project as it does not meet the threshold requiring a study; however, the applicant provided a study even though it was not required. He explained that a traffic light at the intersection is not feasible due to horizontal visibility coming over the crest of the freeway overpass and allowing enough time to stop at the light and the volume of traffic does not warrant installing a light as a mitigation measure. He offered that the upcoming 405 Freeway improvement project will include six continuous lanes of traffic on the Goldenwest Street overpass when completed, without any travel lanes on the street being dropped as it is currently designed.

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

Daniel Bani-Israeli, partial owner of the property, stated he was excited that the project was finally ready to be presented to the Planning Commission. He provided the property history and added that the site was difficult to maintain due to excessive trash collecting at the site. He stated they haul out approximately \$1,000 of trash monthly. He offered that the project will add numerous benefits to the City including the addition of a new beautiful building, creating new jobs, and adding to the City tax base. He stated that the project has complied with all the City requirements and they have even exceeded the City requirements for this project by completing a traffic study. He thanked the Commission for listening to the proposal and the staff for the detailed analysis and report. He urged the Commission to recommend approval of the project.

Chair Manzo inquired if there would be objections to relocating the menu board and adding greenery. Mr. Bani-Israeli responded that there was no problem adding greenery to the site, but he would defer to the project's architect regarding the menu board. He offered that the noise from the menu board will be below 55 decibels and would most likely be drowned out by the noise from the nearby streets and the 405 Freeway.

John Cataldo, project architect representing the applicant, thanked the staff for doing a great job and for providing detailed project information. He was excited about the project offering that it will contribute to the City and the design will complement the area. He stated the landscape plan could be modified to add additional screening and they would consult with a sound engineer regarding the menu board placement to make sure to decrease the decibels as much as possible.

CHAIR MANZO ASKED THOSE IN OPOSITION TO SPEAK.

Christopher Ochoa, representing *Future Farmers of America*, stated that he felt the project would increase traffic. He felt that the City should build a community garden on the property and added the garden would be no cost to the City. Mr. Ochoa recommended denial of the proposed project.

Discussion ensued about ownership of the property. It was determined that the City was not the owner of the property as Mr. Ochoa believed.

CHAIR MANZO ASKED THOSE WHO SPOKE IN FAVOR TO SPEAK IN REBUTTAL.

The applicant opted not to speak in rebuttal.

CHAIR MANZO CLOSED THE PUBLIC HEARING.

Discussion ensued about the location of the menu board and placing the menu board on the opposite side of the drive lane facing the building. Further discussion revealed that placing the menu board on the passenger side of the drive was not practical. There was additional discussion regarding a barrier and landscaping or hedge.

Commissioner Bui inquired about future tenants and if the customer demand might cause additional traffic. Planning Manager Ratkay responded that any tenant allowed by right within the City's Zoning Code may be chosen for the location.

Motion: It was moved by Manzo, and seconded by A. Nguyen to recommend to the Mayor and City Council the adoption of a Mitigated Negative Declaration for the 4,300 square foot commercial building, General Plan Amendment and Zone Map Amendment. And, recommend to the Mayor and City Council approval of the

requested General Plan Amendment, Zone Map Amendment and Development Review, subject to the recommended conditions of approval, adding a condition to add a block wall and additional landscaping to diffuse the sound from the drive-thru menu board. The motion carried (3-1) with the following vote:

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

8.2 CASE No. 2018-65 – Conditional Use Permit and Variance

Location: 7722-7732 Garden Grove Blvd, Assessor's Parcel Number 096-491-07

Applicant: Thomson Dang

Project Planner: Christina Michaelis, Assistant Planner

PROJECT DESCRIPTION: The proposed request is for a Conditional Use Permit (CUP) to operate a 5,565 square foot banquet facility in conjunction with an existing 9,765 square foot dance studio and a Variance from the minimum number of required parking stalls.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the requirements of the City of Westminster and has been deemed to be exempt from CEQA per Section 15301 (Existing Facilities) Class. This class of exemption includes minor additions or alterations to the interior or exterior of existing structures involving negligible expansion of use. The project involves the establishment of a banquet facility in a facility that was previously used for automotive service (tire sales and installation).

RECOMMENDATION: That the Planning Commission adopt a resolution entitled "A Resolution of the Planning Commission of the City of Westminster approving a Conditional Use Permit for a Banquet Facility and a Variance from parking standards located at 7722-7732 Garden Grove Boulevard (Assessor's Parcel Number 096-491-07)."

Assistant Planner Christina Michaelis provided a presentation to the Commission.

Commissioner Q. Nguyen asked if the banquet facility would operate like a restaurant or if food would be brought from outside vendors. Assistant Planner Michaelis responded that food may be catered from outside vendors for events held at the proposed location.

Chair Manzo inquired about signage and landscaping requirements. Assistant Planner Michaelis stated that the applicant will be required to comply with the City's sign ordinance and landscaping is not required for an expansion of use within an existing building.

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

Johnathan Zane, architect living in Huntington Beach, provided a project description for the Commission and stated the proposed project will only have a warming kitchen, not a restaurant. He spoke about the current location, the services offered, and the various instructors at the site. He stated the parking study shows 400 spaces in the center so there is plenty of parking for patrons.

David Kratz, project architect on behalf of the applicant, provided a PowerPoint presentation and stated QD Dance Studio was established seven years ago; adding that the proposed addition of 5,600 square feet would allow for private events such as weddings, anniversaries, and birthdays. He offered that the expansion will provide new jobs and potential increased revenue to the City of Westminster. He provided examples of the current services and styles of dance offered by QD Dance Studio, stating it is available to all age groups. He then thanked the Commission and stated he was available for any questions.

Commissioner A. Nguyen inquired about the hours of operation for nearby businesses. Mr. Kratz responded that the businesses nearby typically close at 5:00 PM.

Thomson Dang, project applicant, stated he had been a professional dancer for 25 years and he was very happy to do business in Westminster. He concluded that he was available for questions.

Tran Ha, Westminster resident, stated she was in favor of the project and available to answer any questions.

Krzysztof Glowinkowski, representing the applicant, stated he was one of the teachers at the dance studio and in favor of this project. He added that he teaches on the afternoon, evening, and weekends; and, there was no problem with parking at the site.

Vital D'Carpio, attorney practicing in the City of Santa Ana, stated he uses the dance studio for dance lessons and felt the existing business and the proposed banquet facility would be a benefit to the surrounding community and businesses.

Lisa Sibel, representing JR Enterprises, the company managing the property, stated she and the property owner, John Spiezia, were present to show their support and endorsement for the proposed project. She added there has never been a problem with the existing dance studio and there would be no problem with parking because the rest of the tenants on the property are predominantly daytime businesses.

CHAIR MANZO ASKED THOSE IN OPOSITION TO SPEAK.

Christopher Kaesviharn, representing the Home Owners Association (HOA) Board of Crosspointe Villiage near the proposed project, stated his main concern is sound emitting from the location; adding that the sound of the base in the music can be heard and he was interested to know how the sound can be mitigated. He added that he was happy to hear that the venue was not applying for an alcohol permit.

CHAIR MANZO ASKED THOSE WHO SPOKE IN FAVOR TO SPEAK IN REBUTTAL.

David Kratz, project architect on behalf of the applicant, stated all the dancing and activities will be done inside the building, confirming that no activities would be conducted in the parking lot.

Chair Manzo asked Mr. Kratz if the doors would be open or closed during events and to show the location of the parts of the building that would be used for events on a map. Mr. Kratz stated that two of the locations, the front of the building on Garden Grove Boulevard and the back of the building, are already in existence. He added the proposed addition would be the banquet hall in the center of the building and the doors would be closed during events. Assistant Planner Michaelis offered some pertinent information regarding the conditions within the proposed resolution; stating that the condition #7 requires that all business activities occur inside the business and condition #12 regulates noise.

CHAIR MANZO CLOSED THE PUBLIC HEARING.

Motion: It was moved by Chair Manzo, and seconded by A. Nguyen to approve Case No. 2018-65, a Conditional Use Permit for a Banquet Facility and a Variance from parking standards, including amended business hours of 10:00 AM to 12:00 AM on Saturday and Sunday. The motion carried 4-0 with the following vote:

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

9. REGULAR BUSINESS - None

10. REPORTS - None

11. MATTERS FROM THE PLANNING COMMISSION - None

11.1 AB 1234 REPORTS - None

11.2 MATTERS FROM STAFF

Planning Manager Steven Ratkay stated there would be some logistical challenges on the next few meetings due to a conflict with scheduled City Council meetings. He added that the Commissioners will be informed of any changes in locations for these upcoming meetings.

- 12. ADJOURNMENT – The meeting was adjourned at 7:48 p.m. to a regular meeting on Wednesday, August 1, 2018 at 6:30 p.m. in the City Council Chambers.**

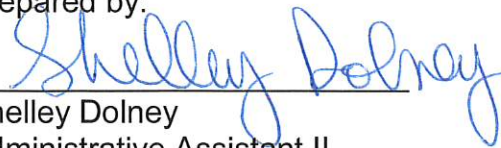


Carlos Manzo
Chairman



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant II