



**PLANNING COMMISSION
Minutes of the Regular Meeting
Teleconference/Web Conference Only
8200 Westminster Boulevard
Westminster, CA 92683
February 17, 2021
6:30 p.m.**

**SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND
ATTENDANCE AT PUBLIC MEETINGS**

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of the Executive order N-25-20 Issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some or all of the Westminster City Planning Commission Members will participate in meetings via teleconference.

Pursuant to the State of California Executive order N-29-20 related to coronavirus (COVID-19), the Planning Commission of the City of Westminster, California convened on February 17, 2021 at 6:32 p.m. at 8200 Westminster Boulevard, Westminster, California, and via teleconference. Members of the public wishing to address the Planning Commission were asked to submit an e-mail for written comments or a request to speak form to provide verbal comments before the start of the meeting. Additionally, any members of the public in attendance that wished to speak but had not previously provided a request to speak form were also provided an opportunity to address the Planning Commission.

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID

PRESENT: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID

ABSENT: NONE

STAFF PRESENT:

Steven Ratkay, Planning Manager; Alice Tieu, Associate Planner; Christopher Wong, Senior Planner; Adolfo Ozaeta, Transportation Manager; Alejandro Lopez, Westminster Police Detective; Kathya M. Firlik, Deputy City Attorney; Shelley Stevens, Senior Administrative Assistant.

2. SALUTE TO FLAG:

Senior Administrative Assistant Stevens led the salute to the flag.

3. ELECTIONS OF CHAIR AND VICE CHAIR

Motion: It was moved by Commissioner Q. Nguyen, and seconded by Commissioner Mark Nguyen to nominate Commissioner Seid for the position of Chairman of the Planning Commission. The motion carried (5-0) with the following vote:

AYES: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID
NOES: NONE
ABSENT: NONE

Motion: It was moved Commissioner Anderson, and seconded by Commissioner Pham, to nominate Commissioner Anderson for the position of Vice-Chair of the Planning Commission. The motion failed (2-3) with the following vote:

AYES: ANDERSON, PHAM
NOES: M. NGUYEN, Q. NGUYEN, SEID
ABSENT: NONE

Motion: It was moved by Commissioner M. Nguyen, and seconded by Commissioner Anderson, to nominate Commissioner M. Nguyen for the position of Vice-Chair of the Planning Commission. The motion carried (5-0) with the following vote:

AYES: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID
NOES: NONE
ABSENT: NONE

4. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there were no late communications.

5. EX PARTE COMMUNICATIONS

Commissioner Anderson reported that he met with planning staff about item 9.1 and he visited the project location.

6. SPECIAL PRESENTATIONS - None

7. ORAL COMMUNICATIONS

Senior Administrative Assistant Stevens read a written comment (e-mail) from Mr. Crag Durfey, founder of the organization: Parents for the Rights of Developmentally Disabled Children (P.R.D.D.C). The email was dated 02-15-2021 and addressed to the Planning Commission of the City of Garden Grove, but was also forwarded to the

surrounding cities near Garden Grove. The e-mail pertained to the need for available green space for improved quality of life and improved mental health. The full comment and e-mailed attachments are stored with record of the meeting.

8. APPROVAL OF MINUTES – January 20, 2021

Motion: It was moved by Chair Seid, and seconded by Vice Chair M. Nguyen to approve the Planning Commission meeting minutes of January 20, 2021. The motion carried (5-0) with the following vote:

AYES: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID
NOES: NONE
ABSENT: NONE

9. PUBLIC HEARINGS

9.1 Case No. 2019-157 (Conditional Use Permits, Development Review, and Variance)

Location: 5992 Westminster Boulevard (Assessor's Parcel Number 195-141-01)

Applicant: Travis Companies, Inc.

Project Planner: Alice Tieu, Associate Planner

PROJECT DESCRIPTION: A proposal to demolish an existing service station with a kiosk convenience store and reconstruct a new 1,960-square-foot convenience store and service station, a request to allow off-sale beer and wine, and request for a variance from the minimum required rear yard setback.

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 exempt per Class 32 (Section 15332 In-Fill Development of the CEQA Guidelines), based on the following:

- a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant impact relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

A Notice of Exemption Supplemental Information document that evaluates the proposed project in detail and establishes the findings for how this project meets the requirement for an In-Fill Development Class 32 Exemption under the CEQA guidelines is attached to the proposed resolution.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a resolution entitled: "A resolution of the Planning Commission of the City of Westminster approving Case No. 2019-157, involving amendments to Conditional Use Permit (C-614) for the development of a new service station and convenience market, a Conditional Use Permit for off-sale beer and wine (Type 20 ABC license), Development Review, and Variance for reduced rear yard setback, pertaining to property located at 5992 Westminster Boulevard (Assessor's Parcel Number 195-141-01)"

Associate Planner Alice Tieu provided a PowerPoint presentation to the Commission.

Commissioners asked questions about:

- Location of the building
- Required setback
- Quantities of alcohol sold (singles or packages)

CHAIR SEID OPENED THE PUBLIC HEARING.

Karl Huy, resident of Anaheim, representing Travis Companies as the project applicant and project architect, stated he had worked with City staff and utility companies over the past year to present the project before the Commission tonight. He stated that he was in full agreement with the staff report, resolution, and conditions of approval. He concluded by asking the Commission for approval of the project

Commissioner Anderson inquired if Mr. Huy had considered moving the building location to mitigate some of the concerns of adjacent property owners and why the trees shown on the colored architectural elevations were not shown in the landscape plan. Mr. Huy responded that alternative locations for the building had been considered, however there were limitations due to the location of the above ground and underground utilities along Springdale. Regarding the trees shown on the colored elevations, Mr. Huy confirmed that they were for illustration purposes only. Mr. Huy confirmed that the items in the landscape plan (L1) were designed to address the City's landscaping ordinance, but he was open adding more trees to the landscape plan if is the desire of the Commission.

Chair Seid inquired about the decision to prohibit alcohol sales from 2:00 AM to 6:00 AM. Mr. Huy stated that the prohibition of alcohol sales from 2:00 AM to 6:00 AM was a condition of the Westminster Police Department. He further stated that the site will have cooler doors that automatically lock at 2:00 AM and then automatically unlock at 6:00 AM.

Before providing Ms. Bondoc the allotted five minutes for her comment, Senior Administrative Assistant Stevens noted that a written comment was also received by Ms. Bondoc. Ms. Stevens stated that written comments are not read aloud when a speaker is present for a verbal comment, however, all written comments are part of the meeting record. Ms. Bondoc indicated she was okay with her written comment not being read aloud.

Cherila Bondoc, resident of Los Angeles, present to represent the property owner KDW Westminster who owns part of the commercial center where the project is proposed, stated that the property owner would like to express its objection to Travis Companies application for two reasons: 1) The proposed construction will greatly obstruct four (4) small businesses, reducing revenue for these small mom-and-pop shops and ultimately reduce revenue for the City of Westminster. 2) Prescriptive Easement, KDW Westminster has a prescriptive easement of the five (5) striped parking spaces that the gas station plans to eliminate as part of their proposed project. She stated that the businesses had been using the parking spaces for the past 30 years. She added that legally the gas station does not have the right to erase what has belonged as an easement right to KDW Westminster. She concluded by requesting the project be denied.

Commissioner Anderson asked Ms. Bondoc how long KDW had owned the building and when the last major exterior renovation took place. Ms. Bondoc replied that KDW has owned the building since the center was built sometime in the 1960's and they had recently upgraded the building lights, repainted the building, and repaved the asphalt in the rear of the building. She added that some work on the landscaping was planned for the upcoming year.

Tom Bois, resident of Irvine with the offices of Bois Legal Council, present to represent the property owners Henry and Robert Ciancio who own part of the commercial center where the project is proposed. Mr. Bois first addressed Deputy City Attorney Firlik and stated that both Henry and Robert Ciancio would testify under the penalty of perjury that they five spaces on Ms. Bondoc's property have been in continuous use for the past 30 years. He further stated that the elements of a prescriptive easement have in fact been satisfied, so he didn't see how the application before the Commission could even be considered. He felt that the location of the building could be moved and still not interfere with access or circulation. He offered that due to the prescriptive easement, no decision should be made, and further research should be done by the Planning Commission to see if they can approve a project as a matter of law where there is a contested title. He concluded by stating that there was also a concern about the traffic flow; adding that the location of the building will create a blind corner which will cause a greater risk of automobile and pedestrian accidents.

Commissioner Anderson asked Mr. Bois how long the Ciancio brothers have owned the property and if he knew when the last major exterior renovation was. Mr. Bois stated that he believed Henry and Robert Ciancio have owned the property since the

1980's or 1990's. He was unsure of the last renovation, but he knew that a renovation would be difficult at present with limited income.

SINCE ALL VERBAL COMMENTS HAD BEEN RECEIVED AND THERE WERE NO WRITTEN COMMENTS TO READ INTO THE RECORD, REBUTTAL WAS CALLED FOR THE APPLICANT.

Mr. Huy, spoke in rebuttal and offered that the proposed project had title research, a title report, title documents, and a complete ALTA survey prior to starting the project. He stated that the site plan being presented to the Commission was in deed being positioned and placed on G&M Oil's property. The boundaries identified on the site plan are the same boundaries identified in the ALTA survey and title report.

Chair Seid asked Mr. Huy to confirm that five parking spaces will be removed during the project. He then asked staff to confirm that the five parking spaces have been on the applicant's property and that is why they are able to remove the parking spaces. Associate Planner Tieu stated that part of the parking spaces are on the applicant's property and the other part is on the adjacent property. She further explained that the development will cause the parking spaces to be removed since half of the parking space is on the applicant's property and the other half is on the adjacent property.

WITH PUBLIC COMMENTS AND REBUTTAL CONCLUDED, CHAIR SEID CLOSED THE PUBLIC HEARING.

Commissioners asked questions about:

- Crime within the police district where the project is located
- The potential of adding crime to the area, by adding an additional alcohol use

Commissioner Anderson stated he was pleased to see that a property owner was willing to make a major investment to stay competitive. He offered his observation of the surrounding properties, which have not been upgraded since initially built in the 1960's, stating that the appearance was tired and could use renovation. He also stated that the shopping center was more of a neighborhood center, known by regular patrons and didn't feel that the convenience store would restrict the visibility. Commissioner Anderson noted that there were trees shown on the colored elevations that were not included on the landscape plans and asked his fellow commissioners to consider adding those trees to the landscape plan.

Chair Seid stated his main concerns were alcohol and parking. He offered that Detective Lopez and the applicant did a good job explaining the crime and how the alcohol would be managed on site. He stated the parking spots have been on the applicant's property for decades and they are just asking for their land back in order to develop it.

Motion: It was moved by Chair Seid, and seconded by Commissioner Anderson, to approve Case No. 2019-157, involving amendments to Conditional Use Permit (C-614) for the development of a new services station and convenience market, a Conditional Use Permit for off-sale beer and wine (Type 20 ABC license), Development review, and Variance for reduced rear yard setback, pertaining to property located at 5992 Westminster Boulevard (Assessor's Parcel Number 195-141-01). The motion was to approve as recommended with one modification to Condition No. 34 concerning landscape; adding language that the trees shown on the south and west side of the building as depicted in the architectural colored elevations shall be included in the landscape plan. The motion carried (5-0) with the following vote:

AYES: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

10. REGULAR BUSINESS - None

11. REPORTS - None

12. MATTERS FROM STAFF

Planning Manager Ratkay congratulated the commissioners on their reappointments and offered his appreciation for the work of the commissioners. He also thanked Detective Lopez and Transportation Manager Ozaeta for their attendance and assistance to the Planning Division on important land use issues.

13. MATTERS FROM THE PLANNING COMMISSION – INCLUDING AB1234 REPORTS WHEN REQUIRED

Commissioner Anderson congratulated Chair Seid and Vice Chair M. Nguyen on their new roles in the Commission. He stated he was glad to be back on the Planning Commission and was proud to serve along with the other commissioners on this very important body that can make a difference on the future of our City. He thanked staff for their important roles on the development team.

Chair Seid stated that he was looking forward to working Commissioner Anderson and was pleased to see so many familiar faces on the newly appointed 2021-2022 Commission.

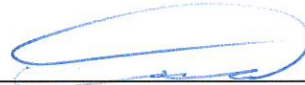
Commissioner Q. Nguyen offered congratulations to Chair Seid and Vice Chair M. Nguyen on their roles on the Planning Commission and to Commissioner Anderson on his appointment. She thanked staff and the Commission commenting that they make a great team. She concluded by stating she hoped everyone would stay healthy and safe during the Covid Pandemic; adding that she hoped everyone would get the vaccine soon.

Commissioner Pham congratulated Chair Seid and Vice Chair M. Nguyen on their new roles and welcomed Commissioner Anderson to the team. She stated she was looking forward to working together.

Chair Seid stated he was definitely looking forward to working with everyone and hoped the Commission could make a positive changes in Westminster with the various projects that come to the Commission. He wished that we all could receive our Covid-19 vaccines shortly so that we could return to in-person meetings once safe to do so.

14. ADJOURNMENT

The meeting was adjourned at 8:19 p.m. to a regular meeting on Wednesday, March 3, 2021 at 6:30 p.m.



Weston Seid
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Stevens
Senior Administrative Assistant