

**MINUTES OF THE REGULAR MEETING
NORWALK PLANNING COMMISSION
NORWALK, CALIFORNIA
MARCH 8, 2017**

The meeting was called to order by Chair Collins at 7:30 p.m., in the Norwalk City Hall, Council Chambers, 12700 Norwalk Boulevard, Norwalk, California. Present were Commissioner Juan, Commissioner Perez, Vice Chair Barth and Chair Collins. Also present were Kurt H. Anderson, Director of Community Development; Jessica Serrano, Senior Planner; Monica Rodriguez, Assistant Planner; and Ruth Hoffmann, Administrative Secretary.

MEETING MINUTES

The Planning Commission approved the minutes of the Regular Meeting of February 22, 2017.

NOTICE OF CATEGORICAL EXEMPTION (CLASS 1)

CONDITIONAL USE PERMIT NO. 991

320-01-991

Luis Marquez on behalf of Humberto Flores; 10602 Imperial Highway; a request to modify conditions of an existing Conditional Use Permit for the sale of beer and wine for off-site consumption (Type "20" Alcoholic Beverage Control License) at an existing gasoline station located at 10602 Imperial Highway, relating to the restriction of size and quantity of alcohol sold.

Chair Collins opened the public hearing.

Staff presented the notice information. Assistant Planner Rodriguez presented a report indicating that this is a request to modify conditions of an existing Conditional Use Permit for the sale of beer and wine for off-site consumption at a gasoline station; that the condition relates to the restriction of size and quantity of alcohol sold; that the current condition states that "beer, malt beverage, wine coolers shall not be sold in bottles or containers smaller than 42 ounces unless in manufacturer pre-packaged multi-unit quantities, of not less than four containers"; that the applicant has requested that the condition be modified to permit the sale of beer and malt beverages in packages of less than four per sale (or standard 3-pack) in quantities of 24 oz. per container for a total of 72 oz. per package.

Ms. Rodriguez further stated that in analyzing the applicant's request, staff is recommending that the condition of approval be modified to read as follows: "Beer, malt beverages, wine coolers, or wine shall be sold in manufacturer pre-packaged quantities of three or more with a total volume no less than 36 ounces"; that, generally, staff has applied the revised standard condition of approval to the most recent requests to modify the conditions for the City's new alcohol establishments; that, in conclusion, in looking at the operations of the AM/PM Arco station since its initial approval to sell beer and wine in 2010, the applicant has shown that they are a good community partner with a clean

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Department of Alcoholic Beverage Control (ABC) track record; and that, therefore, staff recommends approval of the applicant's request.

In reply to Chair Collins' question how many establishments have been approved with the 36 ounce condition, Assistant Planner Rodriguez stated about two or three locations.

In response to Commissioner Perez' question if these establishments are gas stations or convenience stores, Ms. Rodriguez replied that they are convenience stores.

Luis Marquez stated that he is representing Humberto Flores who is the owner of the Arco gas station; that he would like to thank staff in working closely with them; and that they hope the Commission supports their request in helping a business out.

Since there were no other persons wishing to present testimony, Chair Collins closed the public hearing.

Chair Collins stated that he appreciates the fact that the applicant has a business in Norwalk and that it is thriving; that, however, he cannot make the findings for this request as this condition has only been applied to convenience stores; that a gas station is simply a gas station; that the store is for customers to buy snacks, sodas, etc.; and that he believes the smaller quantities can bring a negative influence to the area.

In response to Commissioner Perez' comment for clarification on the display area, Director Anderson stated that his recollection is that there was an area where the Commission limited the square feet for the display; and that he is not sure if it was restricted to a certain time of the year, but that it is similar to the end caps where they were allowed a certain square footage for display.

Commissioner Perez stated that when the Commission made the allowances for the pre-packaged quantities, they were specifically for convenience stores and not for gas station locations; that the subject gas station is adjacent to residential properties; that she tends to agree with Chair Collins that convenience stores are one thing, but that the Commission set their policy for a reason.

Commissioner Juan stated that he, too, agrees with his colleagues; that there is a big difference between gas stations and convenience stores; that he is definitely for staying consistent with their policies; and that transients hang out in the area.

Vice Chair Barth stated that she agrees with her colleagues as well on this issue as it is a gas station and not a convenience store; that she also has concerns with the

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establishment being adjacent to residential properties and with the transients in the area.

At the request of the applicant's representative, Chair Collins re-opened the public hearing.

Mr. Marquez stated that the AM/PM store has a beer and wine license; that they are complying with their corporate standards; that AM/PM is a national chain convenience store; that the key part of their request is the number of ounces; that the cans are not single cans; that they are pre-packaged containers of three, which fall within the guidelines of the total ounces; that they are not selling hard liquor; that there have been zero complaints since this owner has bought the property; that there is an unfairness with other businesses that are able to sell the pre-packaged products; that they have invested millions of dollars in improvements making the establishment a very nice and high yielding property; that the property owner was the top Arco salesman of the year, nationwide, a couple of years ago; that the business is family-owned and not corporate-owned; that they also own a few other gas stations in Norwalk; that they are doing a great job of maintaining the property; that as far as the loitering concerns, they are very good at keeping any loitering away from the establishment; that they never had any issues which can be substantiated by Public Safety; that, regarding signage, there are never any liquor or beer signs outside following the guidelines of the City; that whatever displays are inside, those are brought in by the distributor in accordance with the City rules; and that all they are asking for is a small amendment to the Conditional Use Permit to allow for the sale of the pre-packaged containers so that it will be a level playing field.

It was moved by Commissioner Perez and seconded by Chair Collins to direct staff to prepare a resolution to deny Conditional Use Permit No. 991 for consideration at the meeting of March 22, 2017.

ON ROLL CALL VOTE

AYES: Commissioner Juan, Commissioner Perez, Vice Chair Barth and Chair Collins

NOES: None

ABSENT: None

NOTICE OF EXEMPTION (PURSUANT TO STATE CEQA GUIDELINES SECTION 15061(b)(3))

ZONE CHANGE NO. 356

320-09-356

Miguel Reyes ("Applicant"); 11739 Potter Street ("Subject Property"); a request to change the zone of the Subject Property from Restricted Commercial (C-1) to Single-Family Residential (R-1) zone to create consistency between the zone and

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the existing General Plan land use and eliminate the non-conforming status of the property.

Chair Collins opened the public hearing.

Staff presented the notice information. Senior Planner Serrano presented a report stating that this is a request to change the zone of the subject property from Restricted Commercial (C-1) to the Single-Family Residential (R-1) zone to create consistency between the zone and the existing General Plan land use and eliminate the non-conforming status of the property; that the property is developed with a 494 square foot single-family residence, built in 1925, and a two-car garage built in 1983; that the property is within the Low-Density General Plan designation; and that by changing the property from Commercial to Residential on the Zoning map, the property will be consistent with the Low-Density Residential General Plan designation.

Senior Planner Serrano further stated that the applicant submitted plans to expand their existing home; that due to the fact that the property contains a Single-Family Residential use that is zoned C-1, it is considered non-conforming; that by changing the zone to R-1 to make it consistent with the existing single-family house, they will be able to do an expansion consisting of a 910 square foot addition; that they are also proposing to construct a 36 square foot covered porch in the front; that, in addition, they are expanding their existing living room and kitchen and removing a bathroom; that within the 910 square foot addition they will be adding three bedrooms, two bathrooms and a laundry room; that, in conclusion, the request to change the zone to allow residential uses rather than commercial uses will be compatible with the adjacent properties which contain single-family residences and will allow the existing residence to remain and be expanded; and that, therefore, staff is in support of the application.

As neither the applicant nor anyone else in the audience wished to present testimony, Chair Collins closed the public hearing.

As the Commission did not voice any comments, it was moved by Commissioner Perez and seconded by Commissioner Juan to adopt Resolution No. 17-16 recommending City Council approval of Zone Change No. 356.

ON ROLL CALL VOTE

AYES: Commissioner Juan, Commissioner Perez, Vice Chair Barth and Chair Collins

NOES: None

ABSENT: None

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ORAL COMMUNICATIONS

Chair Collins congratulated Jennifer Perez on her election win to the City Council. Commissioner Juan stated that it is exciting to have one of their colleagues move up.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.



SCOTT D. COLLINS, CHAIR
NORWALK PLANNING COMMISSION

ATTEST:



KURTH. ANDERSON, SECRETARY
NORWALK PLANNING COMMISSION