

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
October 5, 2005
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, October 5, 2005 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Cruz, Krippner, Turro
Commissioner absent: Nguyen
- Staff Attendance** Art Bashmakian, Interim Planning Director; Virginia Viado, Contract Planner; Maria Moya, Department Secretary; and Christian Bettenhausen, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Chairman Turro.
- Approval of Minutes** Referring to page 7, paragraph 5, line 1 of the minutes of the regular meeting of September 21, 2005, Chairman Turro pointed out that "Chairman" should be "Commissioner"; and on Page 9, Paragraph 2, Line 3, "Tiden" should be "Tilden". The minutes of the regular meeting of September 21, 2005 was approved with the corrections as noted on motion of Commissioner Bertels, seconded by Chairman Turro, and carried 4-1, Commissioner Nguyen absent.
- Oral Communications** There were no Oral Communications received.
- Written Communications** There were no Written Communications received.
- Public Hearing** A. Case No. 2004-31 (Variance). A variance to allow an increase in the maximum lot coverage allowable by the Municipal Code for property located at 14531-41 Tilden Street in the R2 zoning district. The applicant is proposing to construct an addition to an existing duplex consisting of an additional bedroom/den and bathroom for one unit, and a new common laundry facility accessible to both units. The proposed addition will create a lot coverage amount of

45% for the property, which exceeds the 40% allowed in the R2 zoning district.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission deny Case No. 2004-31.

Ms. Viado made a brief presentation of the proposal noting that the applicant was issued a Notice of Violation for construction of a room addition without obtaining the necessary building permits. Based on staff's analysis and findings of the proposal, it was determined that the proposed addition does not meet the minimum justification/findings for granting a variance. For this reason Ms. Viado recommended that the Planning Commission deny Case No. 2004-31 (Variance) subject to the conditions stated in the attached draft resolution.

Commissioner Nguyen arrived at 6:45 p.m.

The public hearing was opened.

Property owner Mr. Jo Pat Williams Sr. of 10221 Kukui Drive, Huntington Beach stated that denial of the project would cost them great hardship since they have already invested \$40,000 to make the duplex compatible for elderly renters who cannot physically climb the stairs to use the restroom. He mentioned that the nearby condominiums and homes in Bishop Ranch have no front yard and have less than 12 feet setbacks or almost has no setback in the rear. Mr. Williams indicated that there is off site parking for 6 cars and additional 45 feet of curb side parking for 9 more cars.

Applicant Mr. Jo Pat Williams Jr. of 18631 Warner Avenue, Tustin stated that he is the builder of the room addition. He indicated that he obtained electrical permits from Edison and the room addition was inspected by the late Mr. Tim Symmonds, Building Inspector. Mr. Williams Jr. then submitted his plans to the Planning Division which advised him to apply for a variance. With the plans finally submitted to Planning, he is now requesting that the variance be considered.

Ms. Darlene Williams, co-owner of the property, reiterated that the bedroom and bathroom addition would benefit their elderly renters.

No one spoke in opposition and the public hearing was closed.

Ms. Viado informed the Commission that there is no record of any building permit filed or any record of inspection on the project.

Commissioner Krippner indicated that in order to satisfy the needs of the senior renters, the applicant should have considered other alternatives such as installing a stairway elevator that could go up and down the stairs. He felt that the applicant, being a builder, should have known that a permit is required before proceeding with the construction of the room addition. Commissioner Krippner viewed the applicant's intent was to build a triplex instead of a duplex and turn the City into a hodge podge. Chairman Turro concurred with Commissioner Krippner.

Mr. Williams Jr. responded that he intended to obtain permits but did not know the right procedures. However, when he was informed a variance was required, he provided the rest of the plans to the Planning Division as advised, and ceased the completion of the project.

Mr. Christian Bettenhausen reminded the Commission that its main consideration was to justify the variance.

Mr. Williams Sr. informed the Commission that his daughter and her children currently live in the existing duplex. Commissioner Krippner sympathized with the applicant's intent to provide additional living spaces for relatives. Because the room addition is almost complete, he suggested that it could be transformed into a patio room.

Motion

On motion of Commissioner Bertels, seconded by Commissioner Krippner and carried 5-0, the Commission denied Case No. 2004-31 (Variance).

- B. Case No. 2005-43 – Variance. *Sign Variance.* Located at 16390 Beach Boulevard (Marie Callender's Grill Restaurant). The applicant is proposing to attach two new building wall signs to the existing restaurant building, which exceeds the number of building wall signs allowable by the Municipal Code.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2005-43 (V) subject to the conditions stated in the attached draft resolution

After presenting the proposal, Ms. Viado indicated that based on its analysis and assessment of the variance request, staff is supportive to applicant's proposal to attach two new building wall signs to the existing restaurant building which exceeds the signs allowable by Code.

The public hearing was opened.

Representing Marie Callender's Grill restaurant, Mr. Jim Vickars of 2701 Aliso Creek Road, Ste. 200, Aliso Viejo stated that the additional signs are part of the restaurant's goal to appeal to a broader base clients. He explained that it was necessary to identify the tower element in the very busy shopping center and the landowner is in favor of this additional signage. He added that they have already invested a substantial amount in this restaurant.

Mr. David Terrack of Signs and Services, 10950 Boatman Avenue, Stanton, indicated that the proposed tower sign would attract the traffic going south along Beach Boulevard and the other proposed sign facing the parking lot would attract the potential clients in the very busy shopping center. He stated that the proposed sign will have LED lighting which is more economical and would require low maintenance. The proposed signs will not flash or move. He informed the Commission that the signs will be turned off at night when restaurant is closed and during the day except when it is cloudy or rainy.

No one spoke in opposition and the public hearing was closed.

Motion On motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0, the Commission approved Case No. 2005-43 (V) subject to the conditions stated in the attached draft resolution.

New Business There was no New Business scheduled for review.

Old Business There was no Old Business scheduled for review.

Administrative Approvals The Planning Commission received notification that there was no administrative approvals during this reporting period.

Reports and Comments:

Planning Director Mr. Art Bashmakian mentioned there will be a special meeting on October 13 to reconsider the senior housing project in Moran Street because public notice was not mailed to all property owners within the 500-foot radius and an additional variance is required dealing with the reduction in parking stall length and drive aisle widths. There will be two items in the next Planning Commission meeting scheduled on October 19, 2005.

City Attorney

Mr. Bettenhausen introduced his friend of 14 years who is visiting from Malaysia. The Commission welcomed Mr. Bettenhausen's friend.

**Planning
Commissioners**

Commissioner Linh requested for an update on the illegal banners signs along Bolsa Avenue and Brookhurst Street, and the business harassment by homeless persons in a shopping center at Dillow Street near the Post Office.

Commissioner Bertels informed the Commission that Code Enforcement is trying to get additional staff to address these problems on weekends. He reported that the rabbit hatches are still in the front yard of 15721 Candlewood.

Mr. Bashmakian stated that Code Enforcement is working on the cases reported, and he will check with Code Enforcement to get the status of the cases.

Commissioner Bertels mentioned that many parkways are being planted with unwanted palm trees along the north end of Candlewood Street. Mr. Bashmakian responded that either Public Works Department or Community Services could address that problem.

Adjournment

The meeting was adjourned at 8:15 p.m. to a Planning Commission special meeting of October 13, 2005.

Respectfully submitted,

Maria Moya
Department Secretary