

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

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, March 30, 2005 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Cruz, Krippner, Nguyen, Turro
Commissioner absent: Bertels
- Staff Attendance** Bonny Lay, Planning Director; Alice Lau, Assistant Planner; Jennifer Mansur and Chris Wong, Planning Technicians; 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 Commissioner Cruz.
- Approval of Minutes** Commenting on the minutes of Case 2005-03, Commissioner Krippner indicated that it is not unique only to the Vietnamese culture, but common practice for any family member to provide for the needs of his family such as housing assistance. Chairman Turro concurred with Commissioner Krippner and indicated that Commissioner Krippner's comments were well taken.
- The minutes of the regular meeting of March 9, 2005 were approved on motion of Commissioner Krippner, seconded by Commissioner Nguyen, and carried 4-0-1, Commissioner Bertels absent.
- Oral Communications** There was no Oral Communications received.
- Written Communications** There was no Written Communications received.

Public Hearing A. Case No. 2003-79 (Conditional Use Permit/Amendment to 2003-79), an application filed by Bill Fancher authorized agent for Outback Steak House, business owner, and The Retail Property Trust, property owner of record for property located at 549 Westminster Mall. The applicant proposes to install a total of seven television monitors (five interior and two non-audio exterior monitors) at the existing restaurant/bar. Permitted hours of operation are from 8 a.m. to 1 a.m. Monday through Sunday. If the project is approved, a Notice of Exemption (NOE) will be filed to fulfill the mandates of the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: That the Planning Commission approve the amendment to Case No. 2003-79 subject to conditions in the draft resolution.

The Planning Commission received staff recommendation to approve Case No. 2003-79 Amendment subject to conditions in the draft resolution.

The public hearing was opened.

Representing the applicant, Ms. Nina Raey of 1342 Bell Avenue, Suite 3K, Tustin, spoke in favor. She indicated that they agree with the conditions of approval and was available to answer any questions. In addition to the four monitors they are currently operating, Ms. Raey informed the Commission that they intend to install two new monitors on the outdoor patio area and an additional monitor within the building. None of the monitors will transmit any sound.

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

Motion

Commission Cruz moved to approve the amendment to Case No. 2003-79 subject to conditions in the draft resolution. Commissioner Krippner seconded.

For clarification, Mr. Christian Bettenhausen advised the Commission to include the following modifications to staff's conditions: 1) Amend Condition 2 to state, "No more than two non-audio television monitors shall be permitted in the patio area and all other amusement area devices shall be located within the building and shall also be non-audio"; 2) Amend Condition 4 to state, "No

more than seven video amusement devices, including televisions, shall be allowed on the premises without additional approval by the Planning Commission.”

With permission from Commissioner Krippner, the maker of the motion, Commissioner Cruz, amended his motion to reflect Mr. Bettenhausen’s revisions.

The motion carried 4-0-1, Commissioner Bertels absent.

- B. Case 2005-09 (Code Amendment), a City-initiated proposal to amend Section 17.22.010.C of Chapter 17.22 (C1 Local Business District) of the Westminster Municipal Code to add offices for wholesale businesses as a permitted use in the C1 (Local Business) district. The Planning Commission will also take public testimony and comment concerning Negative Declaration 2005-01 prepared pursuant to the California Environmental Quality Act and analyzing the potential for environmental impacts of the proposed code amendment.

STAFF RECOMMENDATION: That the Planning Commission recommend City Council approval Case No. 2005-09 and Negative Declaration 2005-01.

Mr. Richard Zimmer, Planning consultant, made a brief presentation on the general plan consistency, background, and analysis of the Negative Declaration and Code Amendment proposal. He identified the potential impacts that could have on surrounding commercial properties and concluded that these impacts would be less than significant. Based on staff analysis and findings, the Commission received staff recommendation to approve a resolution recommending City Council approval of Negative Declaration 2005-01 and Case No. 2005-09 to allow wholesale offices as a permitted use in the C1 (Local Business) District.

The public hearing was opened.

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

Chairman Turro stated that the proposal was a good use for the Local Business district as it would add to the City's revenue, and he was in favor of it. Commissioner Cruz stated that he did not see any problems with the amendment and was fine with it.

Motion

On motion of Commissioner Cruz, seconded by Commissioner Nguyen, and carried 4-0-1, Commissioner Bertels absent, the Commission approved a resolution recommending City Council approval of Negative Declaration 2005-01 and Case No. 2005-09 to allow wholesale offices as a permitted use in the C1 (Local Business) District.

New Business A. Case No. 2005-05 (Site Plan/Design Review), an application filed by Solar Mai, authorized agent for David Do, property owner of record for property located at 7261 Maple Street in the R2 (Multiple Units 8-12 Units Per Acre) district. The applicant is proposing to develop a triplex on a 10,865- square-foot lot. If the application is approved, a Notice of Exemption (NOE) will be filed to fulfill the mandates of the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2005-05 subject to the conditions in the draft resolution

Mr. Chris Wong made a brief staff presentation to the Commission. Staff's recommendation was to approve the project but to add a condition related to reduction of bathrooms.

The Commission allowed the applicant and architect, Mr. Solar Mai of 8122 E. Timberland Avenue, Orange, to speak. Mr. Mai indicated while complying with City code requirements in designing the plans, he tried to maximize the use of the property; enhanced the building with contemporary design articulation; and provided wider open areas. Regarding Unit 3, Mr. Mai indicated that he would comply with staff's condition to revise the floor plan of Unit 3 to provide improved interior access between the common living areas. However, he asked the Commission to consider the owner's request to keep the full bath in the first floor. He stated that many Vietnamese seniors prefer to stay in the ground floor as it is more convenient for them.

The Commission discussed the possibility of converting the ground floor of Unit 3 into a third bedroom. To address this concern, staff

suggested a revised plan to relocate the kitchen and bathroom and provide a wider opening between the dining room and family room. Chairman Turro was concerned about having only one parking garage for Unit 3, but was satisfied with overall design of the project. Commissioner Krippner felt the project should be approved as proposed. Mr. Mai stated that they prefer to keep the original design and asked the Commission to consider the functionality of the unit and its benefit to the owner.

Motion

Commissioner Nguyen moved to approve Case No. 2005-05 subject to the conditions in the draft resolution and include the additional conditions, namely: 1) require half-baths in the first floor for Units 2 and 3; and require an 8-foot opening between the kitchen and the family room for Units 2 and 3.

Commissioner Krippner seconded and the motion carried 4-0-1, Commissioner Bertels absent.

Ms. Lay reminded the applicant that the City Council could call up this item for further review at its meeting on April 6.

Old Business

There was no Old Business scheduled for review.

Administrative Approvals

The Commission received notification that the following items were reviewed by the Planning Director. The decision of the items becomes final unless such decision is appealed to the Planning Commission or the Planning Commission requests further review. administrative approvals during this reporting period.

- A. Case No. 2005-04 (Administrative Adjustment), an application filed by D'Ambra, Inc., authorized agent for Mr. and Mrs. Christie, property owners at 16431 Dana Circle in the R1 (Single Family Residence) district. The applicant proposes an addition of approximately 408 square feet in the rear yard of an existing residence. The addition will encroach 9 feet and 6 inches into the required 20-foot rear setback. An administrative adjustment is required to allow the reduction of the rear setback to 10 feet and 6 inches.

DECISION: The decision was to approve the project subject to conditions in the draft resolution.

- B. Case No. 2005-07 (Minor Modification to Site Plan), an application filed by James Hailey, authorized agent for Wal-Mart, property owner of record located at 13331 Beach Boulevard in the C2

(General Commercial) district. The applicant proposes to install a 14-foot by 36-foot concrete slab to house a 6-foot-8-inch-high condenser unit behind an existing Wal-Mart store. The unit is to be completely screened with an 8-foot-high block wall painted to match the building.

DECISION: The decision was to approve the project subject to conditions in the draft resolution.

The Commission received and filed the above items.

Reports and Comments:

Planning Director

Agenda Sheet Update

Ms. Lay mentioned there will only be two items in the next Planning Commission meeting scheduled on April 13, Case 2004-64, 9251 to 9261 Bolsa – Exterior modification and 440 sq.ft. addition; and continuance of Case 2005-03, 7902 14th Street – new fourplex.

Council Review Items

There were no items reviewed by City Council during this reporting period.

City Attorney

None

Planning Commissioners

As recommended by a speaker in the recent American Planning Association (APA) Conference in San Francisco, Commissioner Nguyen stated that using digital photographs for the proposed subject site for reports and presentations is a good idea.

Commissioner Cruz mentioned he observed many strayed shopping carts along the streets that make the City look trashy. Chairman Turro suggested the City adopt the system that the City of Garden Grove use to address the stray shopping cart problem. Chairman Turro explained that the City staff who follows the street sweepers should list the addresses where these stray carts are

located. This list is turned over to Code Enforcement staff who calls the shopping cart retrieval company to take away these carts.

Chairman Turro stated that he enjoyed the APA Conference in San Francisco. Lastly, he wished Commissioner Bertels speedy recovery.

Adjournment

The meeting was adjourned at 8:00 p.m. to a study session.

Respectfully submitted:

Maria Moya
Department Secretary