

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
April 27, 2005
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, April 27, 2005 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels , Cruz, Krippner, Nguyen, Turro
Commissioner absent:
- Staff Attendance** Bonny Lay, Planning Director; Jennifer Mansur, Planning Technician; Deanne Baptista, Planning Technician; and Christian Bettenhausen, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Bertels.
- Approval of Minutes** The minutes of the regular meeting of April 13, 2005 were approved on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0.
- Oral Communications** There were no oral communications received.
- Written Communications** There were no Written Communications received.
- Public Hearing** A. Case No. 2004-64 (Area Variance/Site Plan/Design Review), an application filed by Tuan Pham authorized agent for Chieu Le, business owner, property owner of record for property located at 9251 Bolsa Avenue. The applicant is proposing to add a total of 490 square feet to an existing building without any additional parking and to renovate the exterior of the building to a more contemporary design. 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 Case No. 2004-64 subject to conditions in the draft resolution.

Ms. Jennifer Mansur made a brief presentation on the general consistency, background, and analysis of the proposal. She pointed out that the current parking does not meet the ADA requirements and that a condition has been included that would require the parking to meet the ADA requirements. She stated that the applicant is providing off-site parking at 14822 Moran Street exclusively for the employees of Lee's Sandwich which is the justification for the parking Variance. She described the proposed design and stated that staff has recommended that the applicant revise the shape of the awnings and the tile arch to be more consistent with the French Colonial architecture. She indicated that based on staff analysis and findings of the proposal, staff is recommending that the Commission approve Case No. 2004-64 subject to the conditions in the draft resolution.

The public hearing was opened.

Speaking in favor of the application was Mr. Tom Quach, business owner of the property located at 14822 Moran Street. He stated that he no comments and he was available for questions.

The applicant, Tuan Pham, 18010 Sky Park Circle, Irvine, CA, 92614, had no comments and stated he was available for questions.

Chairman Turro asked Mr. Quach if the property at 14822 Moran Street is where the applicant is proposing to locate the employee parking for Lee's Sandwich and if he had any concerns.

Mr. Quach stated that he is in agreement with the conditions in the draft resolution.

Commissioner Bertels stated that he was concerned with the off-site parking located 800 feet away from the subject site. He was concerned that the city would not have the ability to enforce the "employee only" parking requirement and that this could turn into a problem in the future. He stated that he was very against the off-site parking arrangement.

Chairman Turro stated that currently there is a shortage of parking in the entire area and therefore he is not opposed to the off-site employee parking.

Jennifer pointed out that both sites are owned by Lee's Sandwich and that 14822 Moran will be used as a warehouse for storage which requires less parking than manufacturing uses. She further

explained that a Deed Restriction will be recorded to ensure that the use of the property will remain a warehouse. Recordation of the Deed Restriction will ensure that both sites will comply with the city's parking requirement, since warehouse uses require less parking than manufacturing uses.

Commissioner Nguyen stated that he was impressed with the proposed design of the building and hopes other businesses in the area will upgrade their properties as well.

The public hearing was closed.

Motion

On motion of Chairman Turro, seconded by Commissioner Cruz, the Commission approved Case No. 2006-64 subject to the conditions in the draft resolution. Deputy City Attorney, Christian Bettenhausen stated that clear language should be added to the conditions to indicate that seven parking spaces shall be made exclusively available to the employees of Lee's Sandwich and that the requirement would run with the land.

Chairman Turro amended the motion to include the above language in the conditions of approval. The motion carried 4-1, Commissioner Bertels voting no.

Oral Communications

There was no Oral Communications received.

New Business

There was no new business scheduled for review.

Old Business

There was no Old Business scheduled for review.

Administrative Approvals

The Commission received notification that the following item was 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. 2005-08 (Administrative Adjustment), an application filed by David and Patricia Bogdan, property owners of record for property located at 13791 Marquette Street in the R1 (Single Family Residence) district. The applicants propose an addition to a single-family residence, consisting of approximately 167 square feet on the first floor and 233 square feet on the second floor.

Ms. Lay explained that the encroachment into the front yard setback is minimum. She further explained that the homes were

constructed by S&S Construction and they tend to follow a pattern of developing properties with front setbacks less than twenty feet. Subsequently there are other properties that have reduced front yard setbacks in the surrounding neighborhood. Ms. Lay stated her decision was to approve project because it would not change the character of the existing neighborhood.

Commissioner Krippner stated that he would like to see the language revised describing the action taken by the Planning Director for Administrative Approvals.

The Commission received and filed the above items.

Reports and Comments:

Planning Director

Agenda Sheet Update

Ms. Lay reminded that the Planning Commission meeting of May 11, 2005 has been cancelled due to the Mayor's Ad-Hoc Committee meeting. She suggested a Mixed-Use Study Session presentation for the Planning Commission meeting of May 25, 2005.

Council Review Items

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

City Attorney

Mr. Christian Bettenhausen, Deputy City Attorney, brought up one unique issue that relates to parking variance. He stated "I'm not really sure at the top of my head but for future reference, generally, a variance is something unique to that site due to its physical characteristics: topography, size of the lot, or something that distinguishes it from other lots in the area. Therefore, you are granting the variance because they cannot do anything about the unique size of the lot, topography, or something. Considering these parking issues, I'm not really sure in this particular case, we have a lot that already has parking on these existing businesses and I'm just thinking for future reference. I'm trying to see whether or not a variance in these kind of situations is appropriate or not. I'm not saying or commenting in this particular decision but in general that there's something worth looking at. Under the California Code requirements a variance is suppose to be granted only in situation, let's say, where you have a lot, you have certain setback requirements and there is no way to meet those requirements on

this particular lot because it really has really a steep slope or it's really a small lot and all the other lots in the area are bigger and are able to build those kind of structure. Therefore this particular lot warrants an exception. If the lot is the same as other lots then you shouldn't grant a variance to allow it extend into the setback area because there nothing unique about the property. That is your typical variance when you're talking about setbacks or things of that nature so I just throw that out there considering parking because actually I have to look into that decision when it might be appropriate. Clearly, parking variances are allowed so any way I just throw it out there."

Commissioners Planning

Commissioner Krippner reported that he attended the California League of Cities conference and did not feel that it was as informative as he thought it could have been.

Commissioner Cruz concurred. He also informed the Commission that he would be on vacation July 12, 2005 through July 26, 2005.

Commissioner Krippner did not feel that it was necessary for the Planning Commission to cancel the meetings during that time

The remaining Commissioners concurred with Commission Krippner.

Commissioner Bertels questioned the threshold for Administrative Approvals and at what point it is not approved administratively.

Ms. Lay explained that three feet is the maximum projection into a front yard setback which can be decided by the Planning Director. For projections beyond three feet, the Area Variance Committee would be the deciding body.

Commissioner Bertels voiced his concern with the decision by to approve Case No. 2005-08.

Commissioner Krippner informed the commission that there are a lot of very capable staff working for the city and he to complemented Kevin Nguyen in the Building Department for his in assistance with a recent issue regarding an addition in his neighborhood.

Adjournment

Chairman Turro adjourned the meeting in honor of Commissioner Nguyen's father who recently passed away. The meeting was adjourned at 7:15 p.m.

Respectfully submitted:

Deanne Baptista
Planning Department