

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

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- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, July 6, 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** Steve Ratkay and Judy Kollar, Associate Planners; Alice Lau, Assistant Planner; Jennifer Mansur, Planning Technician; 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 Krippner.
- Approval of Minutes** The minutes of the regular meeting of June 22, 2005 were approved on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0.
- Oral Communications** Darrell Nolta, a resident of Westminster, discussed the following issues: traffic congestion in Bishop Street near Moran Street caused by the buses that formerly parked at Magnolia Street and Bolsa Avenue but moved to Moran and Bishop Streets; objected to the City's policy on Alcoholic Beverage Control licenses approval; and the need to maintain open and green spaces in the midst of the City's development particularly considering the proposed mixed-use strategy.
- Written Communications** There was no Written Communications received.
- Public Hearing** A. Case No. 2005-23 – Administrative Adjustment (Site Plan/ Area Variance/Design Review) Reconsideration of denial of an Administrative Adjustment to allow a reduced rear setback for a second-story addition. The applicant proposes a 1,663-sq.-ft. second-story addition to a single-family residence, which includes an existing single-story addition approved in 1969 with a reduced

rear setback. The proposed second-story addition would be located directly above the single-story residence. Like the existing addition, the proposed second-story addition would be constructed 12 ft. 4 in. from the rear property line, encroaching 7 ft. 8 in. into the required 20-ft. setback. The amount of contiguous open space in the rear yard would not be changed.

STAFF RECOMMENDATION: That the Planning Commission deny Case No. 2005-23 (Administrative Adjustment). (See Attachment 1 for the resolution recommending denial.)

Ms. Judy Kollar made a brief presentation on the background of the proposal and discussed the findings required for approval of an administrative adjustment. Ms. Kollar explained that two of the findings for approval cannot be made and therefore recommended denial of the application.

The public hearing was opened.

Speaking in favor of the proposal was the applicant and property owner, Mr. Brian Keene, who addressed the following items:

- a) Privacy issue – Mr. Keene was willing to move the windows to the other side of the house and pointed out that if the proposal is denied, he would not be limited to the number of windows or sliding doors in the area where it is cut back, saving only 6 ft x 16 ft of privacy.
- b) The proposed addition is consistent with the neighborhood which has five properties with setbacks less than 10 feet.
- c) The Code would create undue hardship for him as he has to cut short the second story structure.
- d) Complaints from neighbors came after the original public notice came out which was erroneous and misleading.

Ms. Judy Ahrens of 5242 Cambridge Avenue asked the Commission to be compassionate to Mr. Keene who wants to improve his standard of living by improving his home since real estate prices have become prohibitive. She indicated that the Commission should consider the applicant's willingness to work with his neighbors. She added that improving Mr. Keene's property will raise the value of real property in the area.

Mr. Jeff Payne, a resident on the south side of Mr. Keene, stated that shadows cast from the second story would not affect his property because of the thick vegetation between his property and Mr. Keene's nor would it block ocean breezes and sun.

Mrs. Adriana Keene, Mr. Brian Keene's wife, stated that they cannot afford to buy another home to accommodate their big family. They are willing to work with neighbors regarding the privacy issue by moving their balcony to the other side of their house.

Mr. Darrell Nolta, 15130 Brookhurst St., No. 146, supported Mr. Keene's proposal. He believed Mr. Keene has the legal right to put the second story addition on his property.

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

Chairman Turro was supportive of the proposal as long as the windows were moved or changed to accommodate the neighbors' requests. Commissioner Krippner concurred with Chairman Turro. Commissioner Bertels was also in favor of the project as proposed. Commissioner Nguyen stated that he always supports the right of ownership and would support the proposal with the conditions set forth by Chairman Turro.

#### Motion

Commissioner Bertels moved that the Commission approve Case No. 2005-23 subject to the conditions that the balcony would be moved to the south over the adjacent double doors; any other windows located within the administrative adjustment area would be elevated; and direct staff to come back in the next meeting with an appropriate resolution to that effect. Commissioner Krippner seconded and the motion carried 5-0.

B. Case No. 2005-27 Tentative Parcel Map, Site Plan and Design Review Three Condominiums. The applicant proposes to construct three condominiums on a 9,525-square-foot lot. The two-story condominiums will each have three bedrooms, three bathrooms and a two-car garage.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2005-27 (Tentative Parcel Map, Site Plan and Design Review) subject to the conditions stated in the attached draft resolution.

Based on staff's analysis of the proposal, Ms. Jennifer Mansur recommended that the Planning Commission approve Case No. 2005-27 subject to the conditions stated in the draft resolution.

The public hearing was opened.

The applicant, Mr. Long Ha of 401 Marion Blvd., Fullerton, indicated they worked with Planning staff to develop this vacant property into a very nice project that will improve and provide a different look for the street frontage. Besides the Planning staff, Mr. Ha added that they are working with the Fire Department and the adjacent property owner to address any concerns. He was open to suggestions from the Commission.

Mr. Ben Tran, architect of the project, stated that instead of building apartment units, the property owner chose to develop the property into three residential condominiums to encourage home ownership. He told the Commission that they meet all City Code requirements.

Speaking neither in favor nor in opposition, Ms. Judy Ahrens, 5242 Cambridge, commented that it was unusual to have three bathrooms for three bedrooms. However, she was informed that this plan was now the current building practice.

Mr. Roger Fryer of 12172 Woodlawn, Santa Ana, informed the Commission that he is the owner of the car wash business next to the proposed site. Although he was not opposed to the project, he had some concerns such as: unusual driveway combination of the carwash business and proposed residential project; no walkway to the trash containers and no room to empty these trash containers; and traffic and parking problems especially during construction. He felt that a "fire lane" sign should be posted along the driveway wall. He suggested that if the application is approved, the homeowners' association should provide insurance for the easement and that a noise disclosure be provided to potential homeowners that their property is next to a carwash business.

Ms. Vivian Kirkpatrick-Pilger of 6011 Tillamook Avenue, concurred with Mr. Fryer regarding the potential traffic congestion in and out of the car wash business area and problems emptying the trash containers. She indicated that the City is becoming a hodgepodge, mixing residential and commercial uses together.

Mrs. Mary Fryer, wife of the car wash owner, mentioned unless there is financing reserve for the maintenance of the easement, the insurance and liability issues would be a concern.

Ms. Roselynn Rollins of 7060 Brentwood Lane was very concerned about safety issues since the car wash and condominiums will share driveways.

Speaking in rebuttal, Mr. Ha explained that they have worked diligently with the City to meet all the code requirements. Regarding trash collection, Mr. Ha stated that they will work with the trash collector to resolve the collection problem and will work with the Building and Planning staff regarding the ingress and egress of the vehicles into the car wash and condominium units. He stated that the homeowners' association CC&Rs will address the insurance and liability issue of the easement. Mr. Tran concurred with Mr. Ha.

The public hearing was closed.

Ms. Mansur pointed out that the terms and conditions contained in the resolution would address the concerns, specifically the driveway area should have "no parking" signs posted; require double glazed windows on the condominium building to mitigate the noise; drainage plan will be addressed by Engineering staff during grading review; and the applicant will work with Rainbow Disposal regarding trash containers collection.

Chairman Turro reopened the public hearing to allow Ms. Kirkpatrick-Pilger to speak. Ms. Kirkpatrick-Pilger clarified that concerning individual trash containers, the applicant would have to work with the Midway City Sanitary District instead of the Rainbow Disposal. Mr. Ha agreed.

The public hearing was closed.

Following the discussion, Commissioner Nguyen stated that he found the applicant is complying with City Codes. He preferred to see a development in the site instead of a vacant land.

Commissioner Krippner felt it is the best proposal for this parcel even if it is not the ideal situation relative to driveway and trash pick up. He preferred developing the site rather than leaving it vacant.

Commissioner Bertels indicated that this is a typical hodgepodge project in the city. He was not in favor of the project.

Chairman Turro was bothered with the traffic and noise, however, since the land had been vacant for sometime, some development was necessary in the site.

#### Motion

Commissioner Cruz moved that the Commission approve Case no. 2005-27 subject to the draft resolution with the following additional conditions: add "No Parking" sign on the curved areas and

driveway; CC&Rs will address the insurance requirements, parking will not be allowed along the driveway, maintenance of the driveway, and parking or storage on the adjacent commercial property by the residents will not be allowed; change Condition No. 27 from Rainbow Disposal to Midway Sanitary District; no storage of construction vehicles or equipment during construction will be allowed on adjacent property; and double glazed windows on the development will be added to shield the residents from noise.

Commissioner Nguyen seconded and the motion carried 4-1, Commissioner Bertels opposed.

- C. Mixed Use Strategy Study The Mixed Use Strategy Study identifies areas of the community that are the most appropriate for mixed use development. The study also includes the steps that the City would need to take in order to accommodate mixed use.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2005-XX recommending City Council approval of the Mixed Use Strategy Study and directing staff to initiate the appropriate implementation strategy.

Mr. Ratkay indicated that this public hearing was a follow-up to the May 11 Study Session of the Mixed Use Strategy Study when the public had an opportunity to provide comments. It would also provide an opportunity for the Planning Commission to recommend to the City Council for its final consideration tentatively scheduled for City Council August 10 meeting. Mr. Ratkay mentioned that Planning staff received notice that a letter was faxed in support of the Study, however, the letter was not received and cannot be provided to the Commission.

The public hearing was opened.

Ms. Michelle Nguyen of 7241 Westminster Boulevard discussed the proposed mixed use development in the Goldenwest/Westminster focus area where most of the properties are zoned Commercial. She stated that most of the lots do not have meaningful commercial development resulting in deteriorating situation. In such situation, she indicated that the Mixed Use Strategy would be helpful to make the area more appealing, increase tax revenue, and provide housing for its residents. She had reviewed the study and found it to be thorough, reasonable, and well-developed.

Mr. Tim Bundy of Bundy Architects concurred with Ms. Nguyen adding that the mixed use strategy has been successful in some cities.

Speaking in opposition, Ms. Judy Ahrens of 5242 Cambridge, stated some areas in the City are already congested. She mentioned problems with trash, sewage, congestion, and traffic will further be aggravated with the adoption of mixed-use strategy.

Ms. Vivian Kirkpatrick-Pilger of 6811 Tillamook indicated there has been lack of planning in the City resulting in hodgepodge development. She felt that blighted areas should be addressed by planning, and the answer is not to tear down existing structures but to treat the problem.

Mr. Chuck Ponti of 5091 Berkeley Avenue told the Commission that only the Little Saigon area is adaptable to mixed use development since the two other focus areas do not have any large parcels. He stated there are very few cities which can adapt the mixed use strategy and it is a losing proposal for the City because of its parking problem.

Mr. Darrell Nolta protested the absence of public presentation on the study and felt it was to rubberstamp the study. He was concerned about the effects on the infrastructure especially on the City's sewage system. Considering the current parking and traffic situation in Little Saigon, he was not sure if the mixed use strategy would benefit the City or not. Mr. Nolta suggested that this matter should be deferred for further review.

In rebuttal, Ms. Nguyen pointed out that considering the great number of people who move into Westminster all the time, it was necessary for the City to plan how to accommodate instead of deterring them to come to the City. She felt mixed use development is necessary to allow the City to appropriately plan in the future by providing affordable housing and creating more business opportunities.

Mr. Bundy stated it is incumbent upon the Planning Commission to address the future and embrace new ideas.

The public hearing was closed.

Chairman Turro indicated that he is neither for nor against the mixed use strategy and suggested that the Commission further review it in a study session in August. The Commissioners concurred.

**Motion** On motion of Commission Krippner, seconded by Commissioner Bertels, the Commission deferred consideration of the mixed use strategy proposal for further review in a study session scheduled on August 10 in the Community Services Building. The motion carried 5-0.

**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 there were no administrative approvals during this reporting period.

**Reports and Comments:**

**Planning Director** Mr. Ratkay announced that Ms. Mansur has accepted a job in the City of Lake Forest and her last day is Friday. He mentioned that the next regular meeting is scheduled on August 3 as the July 20 meeting has been cancelled.

**City Attorney** None

**Planning Commissioners** Commissioner Bertels requested staff to check the following locations for possible violations: 15601 Garland Circle (building permits); 9801 Cloverdale (kitchen in garage); and 15711 Candlewood (rabbit hutch in front patio area). He stated that the Area Variance Committee and the Home Business Committee should be dissolved so that proposals for review by these committees will be reviewed by the Commission.

For Code Enforcement's action, Chairman Turro reported that there is an abundance of post signs in the corner of Bolsa Avenue from Bushard to Ward Streets.

**Adjournment** The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Maria Moya  
Department Secretary



