

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 21, 2005
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, September 21, 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: None
- Staff Attendance** Art Bashmakian, Interim Planning Director; Virginia Viado, Contract Planner; Maria Moya, Department Secretary; Christian Bettenhausen, Deputy City Attorney; and Richard Zimmer, Planning Consultant
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Cruz.
- Approval of Minutes** The minutes of the regular meeting of September 7, 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. 2005-31 – Administrative Adjustment. Located at 14931 Bowen Street. Review of the Planning Director's Approval of an Administrative Adjustment to allow a reduced rear yard setback for an addition to an existing single-story home. The addition, consisting of two bedrooms and two bathrooms, will be 10 ft. 6 in. from the rear property line, therefore, encroaching 9 ft. 6 in. into the required 20 ft. rear yard setback. Approval of an administrative adjustment is required to allow a reduction in the rear yard setback.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2005-31.

Ms. Virginia Viado indicated that this public hearing is a follow-up to the August 3, 2005 when the Planning Commission requested to review the application at a future Planning Commission meeting. Ms. Viado explained the background of the proposal and key findings of the application. She stated that a written comment was received from a resident who lives across the project site who opposed any room and bathroom additions that would exceed more than a one-bedroom/one-bathroom proposal. In conclusion Ms. Viado recommended that the Planning Commission approve Case No. 2005-31 subject to the conditions included in the draft resolution.

The public hearing was opened and the applicant/owner, Mr. Ly Phan of 14931 Bowen Street, was allowed to speak in favor of the project. He stated there will be no significant impact on the neighborhood as there are a number of houses within the area with rear additions that were granted variance. He indicated that he and his family will live in the house.

Commissioner Cruz noted that the plans were not drawn properly and Mr. Phan admitted he drew it himself. Since the drawing was incomplete, Mr. Phan explained smoke detectors will be installed and bathrooms 1 and 2 will have toilets and bathtubs. He confirmed with Chairman Turro that the house will have a total of three full baths and a half bathroom.

No one opposed and the public hearing was closed.

Motion

Commissioner Krippner moved that the Commission approve Case No. 2005-31 subject to the conditions included in the draft resolution. Commissioner Nguyen seconded and the motion carried 4-1, Commissioner Bertels dissented.

- B. Case No. 2005-30 – Area Variance, Design Review. Sign Variance. Located at 15042 Goldenwest Street. The applicant is proposing to amend a previously approved sign variance, Area Variance (AV) 610, which allowed the construction of an additional freestanding sign with a maximum sign area of 74 square feet. The applicant proposes to replace the existing sign with a new 25'-8" high, 122-square foot pylon sign.

Ms. Viado provided the background and analysis of the proposal and justification for granting a variance. Based on staff's findings, Ms. Viado recommended that the Planning Commission approve Case No. 2005-30 (Variance) subject to the conditions stated in the attached draft resolution.

The public hearing was opened.

No one spoke in favor nor in opposition and the public hearing was closed.

Since the restaurant has been maintained well and has operated in the location for a long period of time, Commissioner Krippner expressed support for the variance as he did not see any significant problems.

Commissioner Cruz was concerned if there were any homes around the area directly affected. Ms. Viado responded that there are condominiums south of the project site but the existing commercial buildings adjacent to the restaurant block the view of the sign.

Because staff's conditions did not include maintenance of the sign, Chairman Turro suggested a new Condition No. 6 requiring maintaining and keeping the sign in good condition. The existing Condition No. 6 will be changed to Condition No. 7.

Motion

Commissioner Krippner, seconded by Commissioner Bertels, moved that the Commission approve Case No. 2005-30 (Variance) subject to the conditions stated in the attached draft resolution with an additional Condition No. 6 that would require the sign be maintained and kept in good condition. The motion carried 5-0.

- C. Case No. 2005-40 and 2005-49 (Mitigated Negative Declaration, Zone Change, Conditional Use Permit, Tentative Tract Map, Amendment to Tentative Tract Map, Site Plan, Design Review, Four Zone Variances). Located at 15088-15238 Moran Street. The project is a proposal for construction of a four-story, 144 unit senior citizen residential condominium complex with additional parking to be used by adjacent commercial uses. The project requires approval of rezoning from C-M (Commercial-Industrial) to R5P (multiple residential units 19-24 units/acre with parking overlay district), Conditional Use Permit (CUP) to allow a senior housing development with a density bonus, tentative tract map for the development of sixty-four (64) condominium units, an amendment to a previously approved tentative tract map (TT16700) allowing

eighty (80) condominium units, site plan and design review for a four-story senior citizen condominium project and zone variances dealing with building height, lot coverage, enclosed retail parking and the use of tandem parking. This proposal is to expand the same use and design to adjacent property and combine the two as a single project.

STAFF RECOMMENDATION: That the Planning Commission recommend to the City Council approval of all actions required for the amendment of the previously approved 80 unit senior condominium project and the current proposal to expand the previously approved project with the addition of 64 senior citizen condominium units on a portion of this site.

Mr. Richard Zimmer, Planning Consultant, provided a comprehensive description, background, and analysis report of the proposal. He noted that the new Mitigated Negative Declaration addressed the Commission's concern that the site was a former air field and findings indicated no toxic contamination in the soil. In addition, Mr. Zimmer stated the traffic study indicated that with the widening of Moran Street as conditioned, it would be more than capable to handle the traffic that is anticipated. He mentioned that changes in the wordings of the following conditions of the draft resolution were provided to the Commission, namely: 9d; 13h; and 13j. Mr. Zimmer indicated that a letter of opposition was received from a nearby resident who opposed the height of the proposed building as it would block the kitchen view. Based on staff's findings, Mr. Zimmer recommended that the Planning Commission recommend to the City Council approval of all actions required for the amendment of the previously approved 80-unit senior condominium project and the current proposal to expand the previously approved project with the addition of 64-senior citizen condominium units on a portion of this site.

Mr. Chad Beckstrom of Jones & Stokes, consulting firm that prepared the Mitigated Negative Declaration, was available to answer any questions. Chairman Turro was concerned that noise from nearby businesses could impact the proposed residential project. Mr. Beckstrom explained that there would be no significant business and traffic noise impact on the proposed site during normal operating hours. However, he was not very specific about the operating hours.

The public hearing was opened.

Mr. John Duong representing the owners of the project, Bridgecreek Development, 8907 Warner Avenue, Ste. 108, Huntington Beach, thanked City staff for working on the project and was available to answer any questions.

Ms. Kathy Buchoz of Bridgecreek Development stated that many seniors are interested in the residential project. She mentioned that in her recent meeting with City staff, restricted parking or metered parking were being considered along Moran and Bishop Streets due to parking problems. Concerning noise, she indicated that there is very minimal noise in the evening since businesses in the area close early.

Regarding Chairman Turro's concern on the project's effect on the sewage system, Mr. Joe Hartge of BV Engineering, engineering firm for the proposed project, stated that they have been working with the Midway City Sanitary District and the County of Orange about installing a sewer relief going to Magnolia and adjoining it into the County's sanitary system.

Mr. Mark Nakagawa of International Parking Design, explained that both levels of parking, public and residential, will be controlled through paid parking for the public level and individual parking card access for the residential level. Fire sprinklers will be installed as required by the Orange County Fire Authority.

The lead designer of the architectural firm Lou and Associates, Mr. Lou Marinelli, believed they have addressed all issues subject to the City of Westminster's design guidelines for Little Saigon. He mentioned that a model exhibit of the project is available for the Commission to view.

Although he favored the project in general, Commissioner Krippner expressed concerns on the following: (1) not enough elevators to serve all the elderly residents especially when some of the elevators become inoperable; (2) inadequate number of handicapped parking spaces; (3) tripping hazards on the surface floor of the residential project; (4) Fire Department's lack of access to elderly residents in case of emergency; (5) potential traffic congestion inside the parking area as there are not enough in and out lanes; and (6) Jones & Stokes did not practice due diligence in obtaining information for its Mitigated Negative Declaration from the Westminster Historical Society regarding the history of the Gabrielino Indians when the letter was returned as "undeliverable".

In response to Commissioner Krippner's concerns, Mr. Marinelli stated that they have worked and considered diligently all the issues that were raised. He assured the Commission that Jones & Stokes' letter will be delivered to Joy Neugeubauer, President of the Westminster Historical Society. With regards to the elevators, Mr. Marinelli indicated they worked with the design engineers of a reputable elevator company, and even if elevators on the proposed project were not required by code, they are installing the elevators as an amenity to its residents. He added these additional elevators would be strategically located around the facility easily accessible to its residents. There will be a fire access on the roof of the first level of parking for Fire Department's access; the entire residential facility would be within hose-pull lengths for fire trucks; staircases for evacuation; areas for refuge on the roof where elderly seniors could be evacuated by the firefighters; and open balconies and areas where ladders can be managed within the courtyard. The auto entrance and exits will be most remote to the parking garages with access to both up and down to both levels of parking. Parking access cards will be provided only to the residents for security.

Potential parking violations in the public and private parking levels were discussed extensively specifically personal parking spaces being used by another resident. Mr. Nakagawa explained that this issue should be brought up to management for enforcement. Commissioner Bertels anticipated this will be a problem and Commissioner Krippner pointed out this issue should be resolved with better alternatives. Chairman Turro stated that if these problems occur, the resident's recourse is to report to management.

Mr. Marinelli indicated they meet the handicapped parking requirements, however, Commissioner Krippner felt the issues he raised were still not addressed adequately.

Commission observed a recess at 8:50 p.m. and reconvened at 9:03 p.m.

Mr. Marinelli confirmed that they had many meetings with City staff, OCFA, and other public agencies regarding the concerns raised by the Commission and believed they have addressed every possible option to ensure the safety of its residents. However, they are willing to consider additional factors and suggestions to further satisfy the safety and well-being of its residents.

Regarding tripping hazards, landscape architect Mr. Harry Mestyanek of Ivy Landscape Architects, indicated that they have not selected the final stones and patterns at this time, but the

design intent is to have a very uniform flat surface as it is their responsibility to ensure the safety of the residents.

Mr. Steve Jacobson, RM Dalton corporation general contractor, was available to answer any questions.

Mr. Jim McBirney worked with the developer to arrange the financing of the project. Compared to other senior projects he had handled, Mr. Mcbirney stated that this project is generously providing a parking ratio of one parking space for each bedroom. Also, he pointed out that there will be excess parking in the evening since the shopping center are closed. Mr. Zimmer confirmed that most senior projects in Westminster have only one parking space per unit.

Westminster residents, Daniel Noh, Marty Ha, and Alle Li, supported the project because of its convenience to shopping, medical, and other amenities and the project will enhance the area.

No one opposed and the public hearing was closed.

Commissioner Nguyen shared the safety concerns, but as long as the applicant follows all code requirements, he did not have any problems.

In response to Chairman Turro's aim to eliminate the cars parking along the neighboring streets, Ms. Buchoz did confirm that the owners and employees of the Asian Garden Mall will park in the designated parking in the proposed parking structure.

Commissioner Krippner remained unsatisfied with applicant's answers to some of his concerns as he felt there are not enough accommodations provided to the handicapped and elderly seniors. He stated he might vote no.

Commissioner Bertels anticipated parking problems when a resident would park in the public lower level because his/her personal parking space is taken. When this happens, Mr. Nakagawa indicated that the resident should report to management which should resolve the issue. In order to address this kind of problem, Mr. Doung said the Commission could require conditions in the CC & Rs. Mr. Bettenhausen clarified that because the lower parking level would have different management than the residential parking level, the Commission should address this issue in the conditions of approval.

Chairman Turro supported additional handicapped parking spaces but felt it was unfair to require the applicant to go beyond code. He stated that he would not disapprove a project for that reason. He was confident that the applicant could work with staff regarding these issues.

Mr. Art Bashmakian and Mr. Doung acknowledged they will work with each other regarding the handicapped and parking issues.

Motion

Commissioner Cruz moved that the Planning Commission approve the proposed project and adopt the two proposed resolutions:

A resolution of the Planning Commission of the City of Westminster recommending the City Council amend the conditions incorporated in City Council resolutions No. 3875 and 3888, adoption of a Mitigated Negative Declaration , approving a Conditional Use Permit, authorizing staff to prepare and execute a density bonus agreement, amending approval of tentative tract Map No. 16700, approving of the site plan, approving of the design, approving of four variances dealing with building height, lot coverage, enclosed commercial parking, and the use of tandem parking for construction of an eighty (80) unit senior condominium project with one level of commercial parking at 15142-15238 Moran Street; and

A resolution of the Planning Commission of the City of Westminster recommending the City Council adoption of a Mitigated Negative Declaration , approval of a rezoning from C-M to R5-P, approval of a conditional use permit authorizing staff to prepare and execute a density bonus agreement, approval of tentative tract Map No. 16701, approval of the Site Plan, approval of the design, approval of four variances dealing with building height, lot coverage, enclosed commercial parking, and the use of tandem parking for construction of a sixty-four (64) unit senior condominium project with one level of commercial parking at 15088-15122 Moran street including an additional condition requiring owner of the lower level parking area to include in its CC&Rs that reasonable access be provided to the residents and allow residents exception from having to pay for parking in the event of unnecessary emergency or designated situations when their current parking space is not available. Commissioner Bertels seconded and 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 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 two items in the next Planning Commission meeting scheduled on October 5, 2005: Case 2004-31, 14531 Tilden – Lot coverage variance; and Case 2005-43, 16390 Beach – Variance for number and area of signs

City Attorney None

Planning Commissioners Commissioner Bertels reported that the illegal banner and sign problems continue, and reported that the rabbit hatches are still in the front yard at 15721 Candlewood.

Adjournment The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Maria Moya
Department Secretary