

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**January 18, 2006**  
**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, January 18, 2006 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 Manager; Steve Ratkay, Associate Planner; Chris Wong, Assistant Planner; Sam Rake, 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 Commissioner Nguyen.
- Approval of Minutes** The minutes of the regular meeting of January 4, 2006 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. 2005-65 – Variance Located at 9972 Bolsa Avenue, Little Saigon Plaza, the applicant requests a variance from Table D of Chapter 15.40 of the Westminster Municipal Code to allow an additional (third) tenant wall sign for “Century 21 Olympic Team” when only two signs are permitted. The applicant further requests that the area of the additional wall sign be permitted to exceed 50% of the area of the primary wall sign.

**AGENDA ITEM NO. \_\_\_\_\_**

**MEETING DATE: FEBRUARY 22, 2006**

**STAFF RECOMMENDATION:** Staff recommends the Planning Commission deny the applicant's request (Case No. 2004-65) for a third sign for Century 21 Olympic Team where two are permitted based on the availability of alternative locations consistent with the City's sign regulations that will enhance the tenant's visibility to passers-by on Bolsa Avenue and Brookhurst Street, and approve a variance allowing an increase in the area of the second wall sign to 69.33 square feet.

Mr. Sam Rake made a brief presentation on the background and analysis of the proposal. Based on staff findings, Mr. Rake recommended that the Planning Commission deny the applicant's request (Case No. 2004-65) for a third sign for Century 21 Olympic Team where two are permitted based on the availability of alternative locations consistent with the City's sign regulations that will enhance the tenant's visibility to passers-by on Bolsa Avenue and Brookhurst Street, and approve a variance allowing an increase in the area of the second wall sign to 69.33 square feet.

The public hearing was opened.

Speaking in favor of the proposal was Ms. Pauline Nguyen of Butterfly Signs, 8109 Bolsa Avenue, Midway City. She explained that from the beginning, they had always intended to put up a third sign that would be identical to the primary sign to achieve uniformity and further enhance the look of the building. She added that because the second sign in the rotunda is very small, it is not visible when traveling along Brookhurst Street. She stated that the third sign will greatly help the business and thereby contribute to the City. She displayed comparable buildings in Westminster which have three signs, namely: Walgreens at 8052 Westminster Blvd.; bank building at 6159 Bolsa Ave.; and Jack in the Box at 15521 Brookhurst Street. She pointed out these businesses have more than two signs and that their proposal was reasonable.

Ms. Lisa Nguyen of 9972 Bolsa Avenue and owner of the Century 21 Olympic Team, indicated that because most of their clients have difficulty locating their building, the third sign would immensely improve their business. According to Ms. Nguyen, the building looks incomplete without the third sign. Mr. Sonny Thai of 15681 Candlewood Street concurred with Ms. Nguyen.

Former Council Member Tony Lam of 14132 Wynn Street, member of the Ad Hoc Sign Review Committee, indicated that this particular building, a landmark at Bolsa Corridor, needs more exposure for its

business clients and concurred with Pauline and Lisa that it is a reasonable request.

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

Commissioner Nguyen clearly understood the necessity for a third sign, however, he felt that the logo sign in the rotunda can be moved underneath the entrance so that it will not be considered another sign.

Chairman Turro concurred the third sign along Brookhurst Street is necessary, but the logo sign in the rotunda seems useless as it is not as visible from the streets. Staff explained to Chairman Turro that the Walgreens sign is an inside window sign and meets the Sign Code criteria. Chairman Turro stated that the building would be more attractive if the rotunda is painted the same color as the dome.

Commissioner Bertels stated that the only sign he can approve is the sign by Brookhurst Street and Bolsa Avenue, and suggested removal of the logo sign in the rotunda and putting it on the entrance glass door.

Commissioner Krippner concurred with Commissioner Bertels that having the logo sign on the rotunda area disfigures the building and being pro-architecture, he believes the City needs much beauty as it can get.

Commissioner Nguyen clarified that he does not want to refer to the logo in the rotunda as another sign, and agreed with other Commissioners that the signs on both sides of the building were necessary. He suggested that a three dimensional logo be installed on the wall at the entrance of the building.

#### Motion

On motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0, the Commission denied Case No. 2004-65 for a third sign for Century 21 Olympic Team where two are permitted based on the availability of alternative locations consistent with the City's sign regulations that will enhance the tenant's visibility to passers-by on Bolsa Avenue and Brookhurst Street, and approve a variance allowing an increase in the area of the second wall sign to 69.33 square feet subject to the applicable standard Building, Planning, Engineering, and Fire conditions and the following stipulations which are stated in the recommendations of the draft resolution.

- B. Case No. 2005-58 – Tentative Parcel Map, Site Plan Review, Design Review, Area Variance. Located at 14072 Goldenwest St. *New Condominium Development.* The applicant seeks approval for a new 5,145 sq. ft. condominium development consisting of two units on an 8,803 sq. ft. lot. The applicant also requests approval of a variance for a reduced side yard setback of 5 ft. along the north property line for the 2<sup>nd</sup> story; whereas the zoning ordinance requires a 10 ft. setback.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2005-65 (V, TPM, SP, DR) subject to the conditions stated in the attached draft resolution

Mr. Chris Wong stated that this is a revision of a previous project design that included changes necessary to address the concerns of neighbors and City Council. As the revised project sufficiently addresses the concerns of Council and provides adequately for applicable development standards except where deviations were requested, staff recommended that the Commission approve Case No. 2005-43 (V, TPM, SP, DR) subject to the conditions stated in the draft resolution

The public hearing was opened and speaking in favor of the application was the co-designer of the project, Mr. Bon Hoang of 401 Marine Blvd., Fullerton. He indicated that the setbacks for the first and second story of the first unit comply with Code.

Representing the owner, Mr. Lynn Coker of 4650 Von Karman, Newport Beach, stated that the variance they are requesting addresses the concerns from neighbors and City Council by eliminating the driveway and passing the easement on to the adjacent car wash owner. Because the retainer wall had to be moved further in to the condominium units, a 5-foot setback variance was requested since the prospective homeowners will be negatively impacted if their prospective homes are reduced as a result of passing the easement on to the adjacent car wash owner.

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

Chairman Turro was pleased the applicant was able to address all the concerns and come up with a good project.

Motion

On motion of Commissioner Nguyen, seconded by Commissioner Bertels, and carried 5-0, the Commission approved Case No. 2005-58 (V, TPM, SP, DR) subject to the conditions stated in the draft resolution.

C. Zoning Text Amendment- Revisions to City's Home Business Regulations. The proposed ordinance will eliminate the Home Business Committee and instead require the filing of a conditional use permit application for those home businesses that are not permitted administratively. Such applications for a conditional use permit will also be subject to the conditional use permit filing fee. Currently, home businesses that are not allowed administratively and are not prohibited, require the action of the Home Business Committee. The proposed ordinance will also further clarify the list of prohibited and permitted home business uses.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission adopt Resolution 2005-78 recommending that the City Council adopt the proposed ordinance amendment.

Mr. Steve Ratkay indicated that the proposed ordinance revisions address City Council directed changes. In addition, Mr. Ratkay stated that home businesses subject to the Planning Commission's review will require the issuance of a conditional use permit which the Commission may omit as appropriate. Staff recommended that the Planning Commission adopt Resolution 2005-78 recommending that the City Council adopt the proposed ordinance amendment.

The public hearing was opened and closed as no one spoke in favor or against the zoning text amendment proposal.

Motion

Commissioner Krippner moved that the Planning Commission adopt Resolution 2005- 78 recommending that the City Council adopt the proposed ordinance amendment. Chairman Turro seconded.

Chairman Turro inquired if the conditional use permit process was appropriate for home business. Mr. Bashmakian responded it was up to the Commission to recommend if the conditional use permit process was appropriate or not. Mr. Bettenhausen explained that a conditional use permit has legal connotations as the permitted use will run with the land and could raise more issues. He suggested that the Commission designate another name such as Home Business Permit Level Two to distinguish it from a conditional use permit. Commissioner Krippner agreed with Mr. Bettenhausen.

With the permission of the second, Commissioner Krippner withdrew his motion.

Motion

Chairman Turro moved that the Planning Commission approve the

zoning text amendment (revisions to City’s Home Business Regulations), eliminate the words “conditional use permit” to be replaced by references to a Home Business Permit, and to make other changes necessary to the ordinance to reflect those changes. Commissioner Bertels seconded. 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 the following item was reviewed by the Planning Manager. The decision of the item becomes final unless such decision is appealed to the Planning Commission or the Planning Commission requests further review.

- A. Case No. 2005-55 (Administrative Adjustment). Located on 13452 Pepperdine Circle. The applicant proposes to construct a two-story room addition and 2<sup>nd</sup> floor balcony with the following reduced setbacks.

	Required Rear Setback	Proposed Rear Setback
To Building	20 ft.	17 ft. 6 in.
To Balcony	15 ft.	13 ft. 6 in.

Approval of an Administrative Adjustment is required to allow a reduction in setbacks pursuant to Chapter 17.53 of the Westminster Municipal Code.

**DECISION:** The project was denied by the Planning Manager.

The Commission received and filed above item.

**Reports and Comments:**

**Planning Manager** Mr. Bashmakian mentioned the following item will be in the next Commission meeting scheduled on February 1, 2005: Zone text amendment to modify the park in-lieu fee provision of the code. He indicated that at its meeting on January 25, 2005, City Council will consider the Planning Commission’s request to initiate a zone tax amendment to limit the size of new single-family houses and remodels. Mr. Bashmakian informed the Commission that City Council called up for review the proposed retail center project (corner of Hazard and Beach Blvd.) due to concerns about soil conditions as the site was a former gas station. Lastly, he reported that Code Enforcement Division is obtaining high visibility safety

vests for their staff when removing illegal signs along street medians from the City's special pick-up trucks equipped with red flashing arrows.

**City Attorney**

Mr. Bettenhausen updated the Commission about AB1234 that became effective this year which has a number of requirements applicable to the Commission and City Council members specifically concerning reimbursements incurred from official business and ethics training. It would require the Commissioner to attend an ethics training every two years and provide all reasonable expense receipts to be attached to the City's reimbursement form. Every Commissioner would be required to provide a written or oral report after attending a public conference paid for by the City.

**Planning  
Commissioners**

Commissioner Krippner commended Mr. Bashmakian for doing a fine job. He requested staff to inform the Commission whenever a project that has been approved by the Commission is completed so that he can visit the project. He believed it would educate the Commission in the future. Mr. Bashmakian agreed. Commissioner further mentioned that the Commission be more proactive in suggesting development and improvements to make Westminster a better city.

Commissioner Bertels inquired about the issue of the unwanted palm trees along Candlewood Street. Mr. Bashmakian informed him this matter had been forwarded to Public Works Director Marwan Youssef who has jurisdiction over this matter. Chairman Turro and Commissioner Bertels indicated they will talk to Mr. Youssef directly. Commissioner Bertels mentioned that the illegal signs are still up at Brookhurst and Bolsa every weekend.

**Adjournment**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Maria Moya  
Department Secretary