

**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
February 1, 2006
6:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, February 1, 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; Richard Zimmer, Planning Consultant; 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 Bertels.
- Approval of Minutes** The minutes of the regular meeting of January 18, 2006 were approved on motion of Commissioner Bertels, seconded by Commissioner Nguyen, 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. 2006-09 – Amendment to Chapter 16.12 of the Westminster Municipal Code regarding park land dedication in association with residential subdivisions. The proposed amendment to the Municipal Code will establish a formula by which either the Planning Commission or the City Council determines the amount of credit for on-site open space to be applied against either park dedication requirements or in-lieu fees for park dedication.

AGENDA ITEM NO. _____

MEETING DATE: 3/8/06

STAFF RECOMMENDATION: The Planning Staff recommends that the Planning Commission recommend approval of the proposed ordinance entitled: AN ORDINANCE OF THE CITY OF WESTMINSTER AMENDING CHAPTER 16.12 OF THE WESTMINSTER MUNICIPAL CODE TO PROVIDE FOR A CREDIT FOR ON-SITE OPEN SPACE WHEN DETERMINING PARK DEDICATION OR FEES IN-LIEU OF PARK DEDICATION.

Mr. Richard Zimmer indicated that the proposed ordinance was in response to City Council's directive to develop a formula for determining the amount of credit for onsite open space to be applied against either park dedication requirements or in lieu fees for park dedication associated with residential subdivisions. This directive was prompted by the senior citizen condominium project at 15152-15238 Moran Street previously approved by City Council. Mr. Zimmer compared the three basic changes between the current and proposed ordinances, specifically concerning the approving body; amount of credit; and deposit of funds. Based on staff analysis, Mr. Zimmer recommended that the Planning Commission recommend approval of the proposed ordinance to City Council.

Based on Mr. Zimmer's sample calculation for determining the amount of fee in lieu of land dedication, Mr. Christian Bettenhausen pointed out that the sample formula is confusing since the developer that provides more onsite space would have to pay more fees instead of receiving a credit or not pay anything. Also, under State law, Mr. Bettenhausen wanted to know if the funds set aside could be used not only for new parks but for regular maintenance of the park. Mr. Zimmer stated that some cities have used these funds for upgrading restrooms but he has not looked if that could be allowed in Westminster. Mr. Zimmer suggested that if the Commission recommends approval of the draft ordinance, the Commission should include a provision that the use of funds be in compliance with state law.

Commissioner Krippner was concerned that the proposed ordinance was very variable and may create more problems as the Commission or approving body, at its discretion, determines the amount of fee in lieu of land dedication.

Mr. Bettenhausen commented that since applicant/developer providing open space can avail of the credit, a minimum open space requirement would be necessary to determine the amount of credit to be given. Mr. Bashmakian explained that the City does not have a minimum open space requirement and suggested a proposed ordinance to establish a minimum open space requirement so that

anything in excess of the minimum open space area would be the basis for determining the credit. Mr. Bettenhausen concurred with Mr. Bashmakian after verifying the draft ordinance.

Commissioner Krippner requested for a comparable summary of other cities' guidelines regarding this matter.

Chairman Turro remarked a study session was necessary since he would like to gather and review more information before deciding on the proposal. In response, Mr. Bashmakian suggested that the Commission could continue its consideration to another public hearing to allow staff, consultant, and the Commission address the concerns and issues involved.

On Page 7, paragraphs 3 and 4 of Attachment 2 (Initial Study and Negative Declaration), Commissioner Krippner commented that the word "MIGHT" was more appropriate to use than the word "MAY" as the latter implies a prediction. Mr. Zimmer stated that the wordings in the Initial Study were official wordings provided by the State. Mr. Bashmakian concurred.

The public hearing was opened and closed as no one wished to speak neither for nor against the proposed ordinance.

Motion

Commissioner Nguyen moved that the Planning Commission continue consideration of the proposed ordinance so that staff and Mr. Zimmer could work together on the language and revision of the proposed ordinance. Commissioner Bertels seconded.

Based on Commissioner Nguyen's motion, Mr. Zimmer requested the Commission for direction for additional information concerning various sample size projects; surveying other cities regarding credit; and preparing an ordinance that would establish minimum open space requirements.

Motion

With permission of the second, Commissioner Nguyen modified his motion that the Planning Commission continue public hearing item Amendment to Chapter 16.12 of the Westminster Municipal Code regarding park and dedication in association with residential subdivisions to March 1, at 6:30 p.m. at the Westminster Council Chambers so that staff and consultant could establish minimum open space requirements; survey other cities' policy on park land dedication; and incorporate Mr. Zimmer's comments and recommendations by the Planning Commission to staff.

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 Approval item reviewed by the Planning Manager.

Reports and Comments:

Planning Manager Mr. Bashmakian provided the following updates from the last City Council meeting to the Commission: City Council called up the Commission's approved projects at 14702 Goldenwest and 14502 Beach Blvd.; and rejected the zone text amendment concerning mansion-sized homes in Westminster. He asked the Commission to inform staff if they plan to attend the Planners Institute Conference in Monterey from March 22-24 in Monterey so that they can be registered.

City Attorney None

Planning Commissioners Referring to Page 3, Paragraph 2 of the minutes of January 18, 2006, Commissioner Nguyen corrected that "third" should be changed to "second".

Commissioner Bertels informed the Commission that he spoke with Public Works Director Marwan Youssef regarding the unpermitted palm trees along the end of Candlewood Street. He stated that Mr. Youssef was sending a letter to the resident at 15611 Candlewood about the trees. Commissioner Bertels indicated that the rabbit hutches in the front yard of 15721 Candlewood are gone, and he is still working on the illegal signs along Brookhurst Street and Bolsa Avenue.

The Commission acknowledged the presence of Council Member Quach who explained the City Council's rejection of the zone text amendment for mansion-sized homes. Council Member Quach stated that the Council did not believe that the City should put any restrictions on the size of homes residents can afford to build, however, these homes would still be subject to the City's code requirements.

Commissioner Krippner indicated it was important for him to bring up the matter that changing a word such as "may, might, or could" can make a difference to the interpreter. Chairman Turro concurred with Commissioner Krippner.

Adjournment

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Maria Moya
Department Secretary