

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
March 15, 2006
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, March 15, 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; 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 Chairman Turro.
- Approval of Minutes** The minutes of the regular meeting of March 1, 2006 were approved on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0.
- Oral Communications** Since Case No. 2005-64 and Case No. 2006-03 are being recommended for continuance and will not be considered as public hearing items, the Commission allowed anyone in the audience to speak in favor or in opposition in relation to the above cases.
- A. Case No. 2005-64 – Site Plan Review, Design Review. Located at 8201 Westminster Ave., the applicant is requesting approval to construct a new, 8,042-square-foot, two-story office building with at-grade and subterranean parking totaling 43 spaces, and three decorative spires, two of them at 53-feet in height and the third at 61-feet in height. The building will be divided into five separate tenant spaces including a 1,300-square-foot tenant space on the lower level labeled as a coffee shop on the site plan. The building design is intended to be in the Old English style. The subject properties total 15,750-square-feet and consist of three, separate, contiguous lots located near the northwest corner of Westminster

Boulevard and Monroe Street. This item was continued from February 15, 2006.

STAFF RECOMMENDATION: That the Planning Commission continue this item to an unspecified date as the applicant is significantly modifying the project. A new hearing notice will be mailed and posted when the project is ready for the Planning Commission's consideration.

The applicant, Mr. Viet Le of 8261 Westminster Blvd., stated that he was anxious to start the project as soon as possible. He added that the project will beautify the City and benefit its residents.

Speaking in opposition of the project, Ms. Nancy Sallee, 8232 18th Street, was concerned about a number of issues, namely: access routes for the proposed subterranean parking; additional traffic; noise; debris; and potential problems with the proposed coffee shop. She stated that the property owner has used the property as a dumping ground for construction debris and had blatantly disregarded the City's Code. She provided the Commission with photographs that showed the violations in the property site.

Ms. Kris Nelson of 8214 18th Street concurred with Ms. Sallee, and because her property is directly behind the proposed site, Ms. Nelson indicated that construction trucks would park in her property even hitting one of her utility shed at one time. As a Police Department employee, she was familiar with gang activity, drugs, loitering, and vandalism that are usually tied in with coffee shop operation. She was hopeful that if ever the project is approved, it will actually go through and not remain as a dumping ground.

Mr. Art Bashmakian informed the Commission that staff had some concerns on a number of issues on the proposed project such as status of the coffee shop, driveway in relation to the location of the bus stop, and the internal traffic circulation within the property. Based on these concerns, staff is recommending denial of the project. However, the applicant requested continuance of the public hearing so that they can work with staff on these issues and comply with code. Mr. Bashmakian stated the public hearing tentatively scheduled on April 5 will be re-noticed.

- D. Case No. 2006-03 - Site Plan Review, Design Review, Variance. Located at 9062 Bolsa Avenue. Construction of a 2,300 square-foot expansion to the existing Hoa Binh Plaza retail center; a variance request to provide 93 parking spaces in lieu of 106 required code, and the remodeling of the existing building façade.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission deny Case No. 2006-03 (SP,DR,V).

Mr. Steve Rice of 17910 Skypark Circle #200, Irvine, concurred with staff's recommendation to deny the project as he was concerned with the parking variance. He displayed photographs that showed a full parking lot at the project site, demonstrating that parking variances in Bolsa Avenue are not possible.

Mr. Vo Linh of 16300 Downey Avenue, Paramount, indicated that the project will enhance the declining exterior of the existing building and showed the Commission a model rendering of the project. He stated that the expansion will increase retail business, and although there is shortage in parking, the proposed project has adequate space at the back of the building for fire trucks to turnaround.

Mr. Bashmakian stated that staff is recommending denial of the project since there are no findings for a parking variance. He stated that staff received a letter from the applicant requesting continuance of the public hearing as the applicant is revising its plans so that a parking variance would not be necessary. Mr. Bashmakian stated there will be no further notification of the item as it would be continued to the next public hearing scheduled on April 5.

Motion

On motion of Chairman Turro seconded by Commissioner Nguyen, and carried 5-0, the Planning Commission moved to continue Case No. 2006-03 to April 5, 2006.

Written Communications

There were no Written Communications received.

Public Hearing B. Case No. 2006-15 – Conditional Use Permit. Located at 15606 Brookhurst Street Suite E. The applicant is requesting a conditional use permit to allow sales of beer and wine for on-site consumption [Alcoholic Beverage Control (ABC) type 41 license] in conjunction with a new restaurant (Hot Pot City) located in an existing retail center.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2006-15 (CUP) subject to the conditions included in the proposed resolution.

Mr. Chris Wong provided a brief description of the project's location, history, and operational characteristics to sell beer and wine for on-site consumption. Based on staff's analysis and findings, it was recommended that the Planning Commission

approve Case No. 2006-15 (CUP) subject to the conditions included in the proposed resolution.

The public hearing was opened.

Speaking in favor of the request was the owner/applicant, Ms. Debbie Nguyen, 15606 Brookhurst Street, Westminster. She requested that the hours of operation be extended from 11 a.m. to 3 a.m. on Fridays and Saturdays to catch the late crowd.

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

Chairman Turro supported the 2 a.m. closing time recommended by the Police Department. He was concerned about fire safety of customers cooking on the table especially when they are intoxicated. Commissioner Bertels concurred.

Motion

Commissioner Cruz moved that the Planning Commission approve Case No. 2006-15 subject to the conditions in the draft resolution. Commissioner Nguyen seconded.

Commissioner Krippner pointed out that the hours of operation referred to in Condition No. 6 on page 3 of the draft resolution should be corrected to 2 a.m. Saturday and Sunday morning.

Still concerned about cooking on tables, Commissioner Bertels wanted to know the precautions being taken by the applicant to prevent potential fire. Mr. Quan Tran of 14071 Glitter Street who stood with Ms. Nguyen favorably on the project, understood Commissioner Bertel's concerns. He stated that during lunch and dinner, they do not anticipate their customers to come to the restaurants already intoxicated. He explained that this type of restaurant which provides a unique dining experience is common among the Asian population. He added that they will take all safety precautions to prevent any danger of fire. Having experienced this unique grill dining himself, Commissioner Nguyen stated the grill is run by a gas can which is taken away by an attendant when there is no more food to cook. Ms. Debbie Nguyen added that customers can always adjust the grill knobs for desired temperature. She stated that the Commission's concerns are their concerns as well since they do not want anything that would cause problems to their restaurant.

Commissioner Krippner pointed out that as an addendum to Item No. 10 of the draft resolution, all serving of beer and wine shall be served in appropriate glassware not in styrofoam or paper cups to avoid carry-outs. With the approval of the second, Commissioner Krippner revised his motion that the Planning Commission approve Case No. 2006-15 subject to the conditions in the draft resolution including the amendment to Item No. 10 of the draft resolution as mentioned.

The motion carried 5-0.

- C. Case No. 2006-04 – Conditional Use Permit. Located at 10161 Bolsa Avenue Suite 109A. The applicant is requesting a conditional use permit to allow sales of beer and wine for on-site consumption [Alcoholic Beverage Control (ABC) type 41 license] in conjunction with an existing restaurant (Pho Tung Restaurant) located in an existing retail center.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2006-04 (CUP) subject to the conditions included in the proposed resolution.

Mr. Wong made a brief presentation of the above project including the background and staff's analysis and findings. He stated that staff supports this request due to the following factors: limited floor area; sale of beer and wine is an incidental use to the primary use of the restaurant; and the Police Department has indicated that this is a low crime area.

The public hearing was opened.

Mr. Tung Hoang of 10161 Bolsa Avenue Space 109-A, applicant, was available to answer any questions.

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

In No. 10 of the Conditions of Approval, Commissioner Krippner requested an addendum that the containers for serving beer and wine shall be of non-styrofoam, paper, or other disposable materials to avoid carry outs.

Commissioner Nguyen stated that he does not see any potential problems and he plans to support the project.

Motion

On motion of Commissioner Nguyen, seconded by Commissioner Krippner, and carried 5-0, the Planning Commission approved Case No. 2006-04 (CUP) subject to the conditions included in the proposed resolution including the amendment to Condition No. 10 as stated by Commissioner Krippner.

- E. Case No. 2005-57– Conditional Use Permit. Located at 15440 Beach Boulevard, Suite 128. The project consists of a proposal to sell beer and wine for on-site consumption (Alcoholic Beverage Control Type 41 license) in conjunction with a new 2,669 square foot restaurant located in the Westminster Superstore center, currently under construction.

STAFF RECOMMENDATION: That the Planning Commission approve the Case No. 2005-57 subject to the conditions included in the proposed resolution.

Mr. Steve Ratkay described the proposal to sell beer and wine for on-site consumption including its background and analysis. Based on its findings that the proposal will remain an incidental part of the business operation; will not diminish the value of adjacent properties; and the use is consistent with the zoning, staff recommended that the Planning Commission approve the Case No. 2005-57 subject to the conditions included in the proposed resolution.

The public hearing was opened.

Speaking in favor was the architect, Mr. Jeff Coffman of 801 E. Chapman Avenue, Suite 109, Fullerton. He stated that they concur with staff recommendation. He was available to answer any questions.

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

Motion

Commissioner Krippner moved that the Planning Commission approve the Case No. 2005-57 based upon the staff findings and subject to the following conditions as proposed by staff which includes amendment to Item No. 10 prohibiting disposable paper or other kinds of cups rather than glassware. Commissioner Cruz seconded and the motion carried 5-0.

- F. Case No. 2006-09- Park in-lieu fee/min open space. Amendments to Title 16 and 17 of the Westminster Municipal Code related to park dedication requirements and minimum open space requirements for residential developments.

The project would amend the existing Westminster Municipal Code dealing with 1) the calculation of credits, which may be applied by the Planning Commission, or City Council against required park dedication or in-lieu fees and 2) require minimum on-site open space for residential developments.

STAFF RECOMMENDATION: A Resolution of the Planning Commission of the City of Westminster recommending that the City Council approve an ordinance amending section 16.2 and title 17 of the Westminster Municipal Code establishing a new formula for determining amount of on-site open space that may be credited against the dedication requirement for park and recreational purposes associated with residential subdivision and establishing minimum on-site open space requirement for residential developments.

At its February 1, 2006 meeting, the Planning Commission requested staff to prepare an ordinance for its future consideration to establish a minimum amount of on-site open space in conjunction with the proposed park in-lieu fee formula. According to Mr. Richard Zimmer, staff has prepared a proposed resolution for

the Commission's consideration which addresses these issues. Mr. Zimmer indicated that the proposed resolution include amendments to the Title 17 of the Municipal Code, and provided a detailed description of each amendment. He stated that the proposed ordinance would ensure on-site open space in future residential developments, and the park in-lieu fees will encourage developers to provide more than the minimum proposed requirement.

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

Motion Commissioner Cruz, seconded by Commissioner Bertels, and carried 5-0 moved that the Planning Commission adopt Resolution No. 2006-09 recommending that the City Council approve an ordinance amending Title 16 and Title 17 of the Westminster Municipal Code establishing a new formula for determining amount of on-site open space that may be credited against the dedication requirement for park and recreational purposes associated with residential subdivisions, establishing minimum on-site open space requirements for residential developments, and that the City Council adopt the related Negative Declaration.

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. Art Bashmakian informed the Commission that Resolution 2006-09 adopted by the Planning Commission relating to the park in lieu fees and onsite open space will be scheduled for consideration by the City Council on April 12. He mentioned that there will be three or four items in the next Planning Commission meeting scheduled on April 5 meeting which may include Case No. 2005-64 – Site Plan Review, Design Review, located at 8201 Westminster Ave. He thanked Mr. Zimmer, Mr. Duarte, and staff for their work.

City Attorney None

Planning Commissioners Commissioner Krippner pointed out a correction on Page 3 of the Agenda, X. C. He stated that that "Planning Commission" should read "Planning Commissioners" because the Planning Commission does not make its comments on a unified basis, but each Commissioner individually makes his comments. Having served with the late Council Member Russ Paris in the Planning

Commission for a number of years, Commissioner Krippner offered his condolences to the Paris family. He stated that City Council lost a very fine gentleman.

Commission Bertels concurred with Commissioner Krippner. He stated that Mr. Paris will be buried in the military cemetery in Riverside. Once again, Commissioner Bertels expressed his frustration that it takes too long for the City to act on his complaints especially concerning illegal banners in Brookhurst Street and Bolsa Avenue. He stated that there are more illegal banners in that area.

Commissioner Cruz dedicated tonight's meeting to the memory of the late Council Member Paris. Commissioner Nguyen concurred with Commissioner Cruz.

Chairman Turro stated that he appreciated the late Council Member Paris' advice when he was appointed to the Commission and added that Council Member Paris will be missed. He agreed with Commissioner Bertels that it takes a long time for the City to address the Commission's complaints. He recalled that when he met Public Works Director Marwan Youssef about his complaint on the palm fronds in his neighborhood, Mr. Youssef was not even aware of it. The next day, however, the palm fronds along the street were removed. He mentioned that the fourth sign of Century 21 posted in the building at the corner of Brookhurst and Bolsa Avenue is still up despite the Planning Commission's direction to take it down. Mr. Bashmakian explained that the applicant is in violation of the Conditional Use Permit and will pass this information on to Code Enforcement.

Commissioner Cruz reported that the light at the RV parking space at McFadden and Magnolia are brightly lit up instead of dimmed as approved by the Commission. Mr. Bashmakian indicated that no matter how much the City would like to enforce conditions, there are not enough Code Enforcement Officers to enforce compliance especially during weekends.

In response to Chairman Turro's complaint regarding the fourth sign on the building at the corner of Brookhurst and Bolsa, Mr. Duarte advised that the Commission could either modify or revoke the Conditional Use Permit when the matter is called up by the Commission. Chairman Turro directed staff to work with the applicant to remove the fourth sign.

Commissioner Bertels indicated that he spoke with Vicki Morgan, Code Enforcement Manager, who informed him that there are not enough code enforcement officers to work on weekends when illegal banners are put up and removed before Monday. He suggested that the violators should be charged more for every repeat violation so that they will refrain from putting their signs up again. He stressed that residents should abide with the rules of the City.

Chairman Turro closed the meeting in honor of the late Council Member Russell Paris.

Adjournment

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Maria Moya
Department Secretary