

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
April 5, 2006
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, April 5, 2006, called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Cruz, Krippner, Turro
Commissioner absent: Nguyen
- Staff Attendance** Art Bashmakian, Planning Manager; Michael Patterson, 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 Bertels.
- Approval of Minutes** The minutes of the regular meeting of March 15, 2006 were approved on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 4-0.
- Oral Communications** There were no Oral Communications received.
- Written Communications** There were no Written Communications received.
- Public Hearing** A. Case No. 2005-64 – Site Plan Review, Design Review. Located at 8201 Westminster Avenue. 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 and March 15, 2006.

STAFF RECOMMENDATION: That the Planning Commission deny Case No. 2005-64.

Mr. Michael Patterson stated that the applicant is proposing a new commercial building with subterranean parking level and a coffee shop. He described the site layout, design, and parking of the proposal. Based on staff's findings and analysis, Mr. Patterson stated that the proposed project does not conform to the City's Design standards relating to onsite circulation, and recommended that the Planning Commission deny Case No. 2005-64.

The public hearing was opened.

Speaking in favor of the application was property owner, Mr. Viet Le, 8201 Westminster Blvd. He stated that his architect designed a beautiful building that will be a good contribution to the City. To reduce the traffic in the alley way, Mr. Le proposed a separate entrance in Westminster Boulevard for customers to park in the upper level, while the bottom parking will be used exclusively by tenants who will enter through the alley way. Regarding the illegal dumping on his property, Mr. Le explained that this incident happened while he was out of the country for about three months. However, he is now cleaning the area and has spent approximately \$30,000 to remove all debris and trash. He stated that he never meant to harm or bring trouble to the nearby residents. He informed the Commission that he does not intend to open a coffee shop anymore but will lease the offices to professionals. He was very eager to complete the project as soon as possible.

Mr. Christian Bettenhausen questioned why Mr. Le did not apply for a variance. Mr. Le responded that a Council Member had advised him that a variance was not required because the City Code would not apply unless the top and bottom parking would intermingle. Since the top and bottom parking will be separated operating as two separate properties with two separate parking areas, the City's Parking Code would not apply. Mr. Art Bashmakian explained that the City's Parking Code is based on counts inclusive of tenants and customers with no exact split of the parking spaces unlike the parking proposed by Mr. Le. Mr. Bashmakian stated it is up to the

Commission to allow the parking separation even if there is no guarantee the applicant will follow his word.

Mr. Mark Sallee of 8232 18th Street, was opposed to the use of the alley as an access to the subterranean parking structure by tenants and customers of the proposed building. He displayed photos of the alley directly behind his property which only had a clearance of 14 feet 6 inches from his property line. This would further decrease by a foot if measured from the existing telephone pole. He stated that two vehicles will not be able to pass through the alley at one time. He would not oppose the proposal if the entrance was from Westminster Blvd.

Ms. Nancy Sallee of the same address was opposed for the following reasons: unsafe alley access, traffic, noise, trash, coffee shop hours, parking overflow, and code violations.

Mr. Liem Do owns the property at 8231 Westminster Blvd., directly adjacent to the proposed building. He stated that Westminster Blvd. and Monroe is a very dangerous intersection, and using the alley as access to the subterranean parking would further endanger many pedestrians who use the alley. He stated that nothing will prevent Mr. Le from opening a coffee shop in the future and he is very concerned about that possibility.

Ms. Jill Dominguez of 8181 18th Street, stated that she is actively involved with neighborhood watch and have observed that children always use the alley which is too narrow to fit two cars at the same time. She stated that there is already an excessive use of the alley because of the car lot business nearby. She stated that Mr. Le was not out of the county when the trash was being dumped in the project site since the dumping occurred over a period of two years. She did not believe the owner when he promised that he would not put up a coffee shop. She also displayed pictures of the property site dating back from the period June 2005 until the present which still showed trailers parked, trash, debris, and graffiti. She stated that Mr. Le has proven that he doesn't like to follow rules.

In rebuttal, Mr. Le felt that the comments made by the oppositionists were personal attacks to his character for he never meant to harm the community. He stated that it is very costly and time consuming to clean up the property, and about 60% of the debris has been removed. He stated that he respects the law and apologized to the residents for any troubles he had caused. He reiterated that he does

not intend to open a coffee shop and expressed his willingness to attest it in writing. He indicated that in his previous application two years ago, he did not intend to use the alley but was advised by the former Planning Director Bonny Lay to use the alley way to take the traffic off from Westminster Boulevard.

The public hearing was closed.

Commissioner Bertels stated that he cannot accept the proposal as it is because of the problems in parking.

Commissioner Krippner stated that it would be difficult for fire trucks, trash trucks, and cars to maneuver through the narrow alley way. Although he is very supportive of the proposed design, he intends not to vote for it because the proposed traffic circulation design using the alley way does not conform with City code.

Chairman Turro concurred with Commissioners Bertels and Krippner.

Motion

Commissioner Krippner moved that the Planning Commission deny Case 2005-64 as the project does not conform to all required development standards based on the following findings stated in the draft resolution. Commissioner Bertels seconded. The motion carried 4-0.

- B. Case No. 2005-68- Site Plan Review, Design Review. Located at 7412 Westminster Boulevard. Construction of a 7,581-square-foot retail/office building on a 17,040-square-foot lot.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2005-68 (SP, DR) for the construction of a new, 7,581-square-foot retail/office building.

Mr. Sam Rake provided a brief description of the proposed project including an analysis of the site plan and design review. Staff recommended the project's approval subject to the conditions listed in the draft resolution.

Commissioner Krippner commented that the project does not provide the required handicapped parking spaces. Commissioner Krippner also pointed out that the narrow driveway access curve would obstruct cars or fire trucks when they turnaround. Mr. Art Bashmakian indicated that these issues and all other Building, Planning, Engineering, and Fire requirements will be reviewed and

enforced during the final plan check process. Mr. Rake explained that the driveway access have separate ingress and egress route which meets the minimum backing up requirements.

The public hearing was opened.

Representing the applicant, Mr. Long Ha of 401 Marion Boulevard, Fullerton, displayed a 3D model rendering of the proposed building. He stated that they will provide the required number of handicapped parking spaces. He added that they have discussed the driveway access concern with the Orange County Fire Authority (OCFA) and OCFA was favorable to the proposal.

Speaking in opposition, Mr. Charles Ponti of 5091 Berkeley Avenue, indicated that his two properties, which operate an auto repair business and an Enterprise Rent a Car business, abut directly to the proposed site. He was concerned that these businesses would be classified as a personal nuisance by the applicant because of the noise and fumes generated from the businesses. He suggested that a protection clause be included in the proposed project's Conditional Use Permit so that these businesses will not be classified as personal nuisance in the future. He felt the area would have been served better with another auto business.

Having anticipated the noise issue from the adjacent businesses, Mr. Ha explained that there will be a 20-foot block wall which will obstruct the noise from the auto businesses operation into the proposed building. He was willing to discuss the noise issue with Mr. Ponti.

Mr. Christian Bettenhausen stated that it would be difficult to impose a personal nuisance condition as the applicant has satisfied the City's code requirements.

The public hearing was closed.

Commissioner Krippner expressed concern about the driveways due to its width limitation of 10 feet which he felt is too narrow for safe access for vehicles to turnaround. He was also concerned about the limited handicapped parking spaces. In response, Mr. Rake indicated that the OCFA did not have any concerns regarding the driveway access. However, despite OCFA's standard approval, Commissioner Krippner was not convinced about the safety of the driveway access until the project is analyzed more in depth. On the other hand, Chairman Turro stated he trusts the OCFA. Mr.

Bashmakian further explained that as this application has been routed to different departments for review, staff assumed that the application meets all the standard requirements since there was no comment received from the reviewing department. However, Mr. Bashmakian stated during the final plan check process, any necessary changes will be made to comply with Code. To address this concern, Mr. Bettenhausen advised that the Planning Commission can add a condition that no building permit will be issued until there is a formal written approval from the Building Division. Mr. Bashmakian concurred and stated that staff would modify the staff report that would reflect definitive criteria on the handicap parking accessibility issue.

Motion

On motion by Commissioner Bertels, seconded by Commissioner Cruz, the Planning Commission moved to approve Case No. 2005-68 (SP,DR) for the construction of a new 7,581 square foot retail/office building based on staff findings and subject to the conditions in the draft resolution including the condition that the Building Department formally indicate that the project site meets the handicap requirements. The motion carried 3-1, Commissioner Krippner dissented.

- C. Case No. 2006-03- Site Plan Review, Design Review, Variance. Located at 9062 Bolsa Avenue. Construction of a 1,800 square-foot expansion and remodeling of the existing exterior of the Hoa Binh Plaza retail center.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-03 (SP, DR)

Mr. Sam Rake provided a brief background of the proposed project which was subject to site plan review and design review analysis. Based on staff findings, staff recommended that the Planning Commission approve Case No. 2006-03 (SP, DR).

The public hearing was opened and speaking in favor of the proposal was architect Mr. Woo Lim of 16300 Downey Avenue, Paramount. Mr. Lim stated that the project will enhance the building exterior and that they are in full compliance with parking requirements. In response to Commissioner Krippner regarding English translation for the signs in the building, Mr. Lim stated that they will abide by the City's Sign Program requirements. Commissioner Bertels felt that the signs should always have an English translation underneath it. Mr. Bashmakian informed the

Commission that the City's Sign Code requires all wall signs have English translation for public safety consideration.

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

Motion On motion of Commissioner Krippner, seconded by Commissioner Bertels, and carried 4-0, the Planning Commission moved to approve Case No. 2006-03 (SP, DR) based on staff findings and subject to the conditions listed in the draft resolution.

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. 2006-18 – Administrative, Design Review. Located at 13751 Edwards Street. The applicant proposes various exterior changes to an existing multi-family residential complex, including: new stucco and painted wall surfaces; new doors, windows, and trim; new railings and fascia; and the removal of decorative trim elements.

DECISION: Approved, Subject to Conditions of Approval Findings.

The Commission by a vote of 4-0, received and filed above item.

Reports and Comments:

Planning Manager Mr. Bashmakian mentioned there will be two items in the next Planning Commission meeting scheduled on April 12. He informed the Commission that a new placeholder section, "Follow-up to Commissioners' comments from (prior meeting date)" had been added which will address the Commissioners' comments/complaints made in the previous meeting.

Follow-up to Commissioners' comments from March 15, 2006

15496 Magnolia - Developer informed staff that he is purchasing smoked glass enclosures to shield light to adjoining properties.

Illegal banners and signs - Vicki Morgan, Code Enforcement Manager, had provided an update on code enforcement activities regarding illegal banners and signs.

9972 Bolsa Avenue - The Century 21 logo sign had been removed this week.

Chairman Turro was pleased with the updates from staff.

City Attorney None.

Planning Commissioners Commissioner Bertels mentioned that the City of Fountain Valley had passed the “mansionization” bill. He stated that it was necessary that the Commission follow-up this issue with City Council. Chairman Turro and Commissioner Cruz concurred with Commissioner Bertels.

Motion On motion of Chairman Turro, seconded by Commissioner Bertels, and carried 4-0, the Commission voted to agendize the “mansionization” issue for the next meeting.

Chairman Turro congratulated Commissioner Krippner for being appointed as a member of the Midway Sanitary Board of Directors.

Adjournment The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Maria Moya
Department Secretary