

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**June 7, 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, June 7, 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, Planning Manager; Michael Patterson and Chris Wong, Assistant Planners; 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 meetings of May 3 and May 10, 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 2005-66, Site Plan Review, Design Review.** Located at 13816 Pine Street. Application for Site Plan Review, and Design Review to allow the construction of eight (8), three-story residential apartment units.
- STAFF RECOMMENDATION: That the Planning Commission approve the Site Plan and Design Review subject to the conditions included in the proposed resolution.
- Mr. Michael Patterson made a brief presentation on the project proposal to allow the construction of eight, three-story apartments units near the northeast corner of the intersection of Pine Street and Wyoming Street. Based on staff's findings and analysis, the Commission received staff

recommendation to approve the site plan and design review subject to the conditions included in the proposed resolution.

The public hearing was opened, and speaking in favor were the following: the applicant and property owner, Mr. Leon Yau, 9081 Greenville Avenue; designer of the project, Mr. Gilbert Nguyen of 15842 Westminster; and Ms. Gay Yau, 9081 Greenville Avenue, requested approval of the project. Mr. Wau Yau, a local realtor familiar with the area and recognizing the increased rental demand in the community, stated that new and beautiful rental units were necessary.

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

Mr. Leon Yao indicated that he was agreeable to all of staff's conditions.

Responding to Commissioner Krippner's question regarding reduction of parking spaces for trash enclosures, Mr. Patterson stated that the original plans did provide a trash enclosure area which replaced one of the required four guest spaces. Because this plan would require a variance, the applicant instead supplied the required four guest parking spaces with each unit storing their own trash cans. Although this would be non-compliant with the Code, the Midway City Sanitary District approved it. Prior to plan check by the Building Division, Mr. Patterson recommended that the applicant work with staff concerning the best location for the trash enclosure on site.

Concerning Commissioner Krippner's query about handicapped parking spaces, Mr. Patterson stated although the project has sufficient parking, nothing was provided for handicapped parking. Mr. Bashmakian explained that when the plans are eventually reviewed for plan check by the Building Division, the handicapped parking spaces would be addressed. He pointed out the Planning Division's primary concern is the project's compliance with the City's standards on land use, site plan and design review. He indicated that if the Commission is not comfortable with the project, the item could be continued to the next meeting to allow staff to work with the applicant to resolve issues of concern. Mr. Bashmakian explained that the standard planning application process determines if the proposal conforms with the zoning code. If the application is approved by the Commission, the applicant modifies the plans in accordance with the conditions imposed and submits the plans for review by Building Division, Public Works Division, and OCFA. The building permit will not be issued until the proposal meets all standards set by the reviewing public agencies. Mr. Bettenhausen further explained that if the Commissioners could define specific issues such as design issues within sufficient parameters for staff guidance, the Commission could approve the project. However,

relating to the site plan, specifically the trash enclosure, the Commission could determine if the site would comply with Code to assure pedestrian safety, noise compliance, or other issues of concern.

Mr. Bashmakian suggested that the Commission could either continue this item and act on the issues until they are resolved; or if the Commission believe there is enough information that the trash enclosure and handicapped parking spaces would be fully addressed and they are in a comfort level that staff would resolve the issues, then the Commission could approve the project with the conditions that the trash enclosure and handicapped parking would be addressed.

Commissioner Krippner inquired if the plans were designed by a licensed architect who would be qualified to answer the Commission's questions. Mr. Gilbert Nguyen informed him that he works with a team of licensed architects and civil engineers who could provide information to staff. Commissioner Krippner also wanted to know if Midway City Sanitary District was willing to provide service regardless of the location of the trash enclosure. Mr. Patterson displayed a letter received by staff from the Midway City Sanitary District which specifically addresses that individual dumpsters rolled into the street would be picked up by a Midway City Sanitary District truck. However, Commissioner Krippner still expressed concern on how it would be possible for Midway City Sanitary District to provide service without knowing the trash enclosure location especially if it is located in a non-convenient area. Mr. Bettenhausen commented that whether or not the Midway City Sanitary District authorized pick-up of the individual dumpsters or not, a variance was necessary since it would not be allowed by the City in any case.

Commissioner Cruz requested for clarification of Condition No. 34, page 9 of 14. Mr. Patterson explained that "show the l" was a typographical error and clarified that the phrase be deleted.

Commissioner Bertels was concerned how the trash bin would be pulled in and out for trash collection along the street.

Considering that facts are lacking and there were still outstanding issues, Commissioner Krippner suggested continuing the item to another meeting. He felt that there were not enough information to provide a fair approval of the project and indicated that he intends to vote "no". Chairman Turro preferred to continue the project instead of voting "no".

Motion

Commissioner Bertels moved to continue the item to another meeting to resolve issues raised by the Commission. There was no second and the motion died.

After the plans have been redesigned by a licensed architect, Commissioner Krippner required staff to provide a letter approval from the Midway City Sanitary District. Chairman Turro concurred.

Considering the concerns expressed by the Commission, Mr. Bettenhausen suggested that if the Commission was not inclined to go forward with the project as it is not acceptable at this point, the Commission could deny the project without prejudice to resubmit a new plan with the variance request. Commissioner Nguyen stated that he would like to see the plans before approving it. The other Commissioners concurred. Chairman Turro added that the issues were important and not of minor concern.

Motion On motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0, the Commission denied Case 2005-66, Site Plan Review, Design Review without prejudice, and allowing the applicant to change his application and resubmit a new plan to staff resolving issues discussed specifically trash bins and parking.

**New Business A. Case No. 2006-25, Design Review.** Located at 5455 Garden Grove Boulevard. Application for a level 2 Design Review to allow the establishment and operation of a wireless communications facility on the rooftop of an existing 6-story office building.

STAFF RECOMMENDATION: That the Planning Commission approve the design subject to the conditions included in the proposed resolution.

Mr. Chris Wong stated the proposal is a wireless telecommunication facility proposed by Metro PCS, which would be constructed and operated on the rooftop of an existing 6-story office building. Mr. Wong summarized the proposed project's background and design. Subject to staff findings and conditions, staff recommended that the Commission approve Case No. 2006-25, Design Review.

The Commission allowed the applicant representative's, Mr. Jason Hadley of 25582 Creed Drive, Laguna Hills, to speak. He stated that their wireless company is currently putting up many sites in the Los Angeles region and they have spent a lot of time to make sure this site is consistent and visually pleasing to satisfy their needs as well as the City. He was available to answer any questions.

Motion On motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0, the Commission approve the design subject to the conditions included in the proposed resolution.

- B. **Case No. 2006-46, Special Sign Provision.** Located at 1025 Westminster Mall Road. Application for the temporary display of non-helium inflatable (including cold-air balloons) advertising devices in conjunction with a temporary used car sales event in the parking area of the Westminster Mall.

STAFF RECOMMENDATION: That the Planning Commission approve the temporary display of inflatable devices for a temporary used car sales event.

Mr. Wong stated that the applicant is requesting permission to temporary display a non-helium inflatable advertising device at the northern parking area at the Westminster Mall. Staff supported the request.

The Commission allowed Mr. John Cody, applicant, of P O Box 10415 Marian del Ray, to speak. Mr. Cody informed the Commission that the balloon will be inflated on Thursday night, deflated on Sunday night, and hauled away on Monday. According to Mr. Cody, this advertising device is safe and will be well-secured to the ground.

Motion Commissioner Bertels moved that the Commission approve Case No. 2006-46, Special Sign Provision. Commissioner Nguyen seconded and the motion carried 5-0.

Old Business There was no Old Business scheduled for review.

Administrative Approvals The Planning Commission received notification that the following items were reviewed by the Planning Manager. The decision on the items becomes final unless such Administrative Approval item reviewed by the Planning Manager.

- A. **Case No. 2006-32, Administrative Adjustment.** Located at 15351 Notre Dame Street. The applicant proposes the addition of a new 12 foot by 22 foot patio enclosure (per ICC#3190P) in the rear yard. The proposed addition will be constructed 12 feet from the rear property line. A 20-foot rear yard setback is required in the R1 (Single-Family Residence) district. An administrative adjustment is required to allow the reduced rear yard setback.

**DECISION: APPROVED**

**Case No. 2006-33 Administrative Adjustment.** Located at 15161 Essex Circle. The applicant is requesting a 10-foot rear yard setback for a one-story, 780-square-foot room addition, whereas a 20-foot setback is required in accordance with section 17.10.020(E) of the Westminster

Municipal Code. The addition will accommodate a family room extension, new bedroom and bathroom, new kitchen area, and will allow the existing kitchen to be converted into a dining area. Other changes include the removal of an existing wall between two bedrooms to create one bedroom. In the R1 district, a request for a reduced rear yard setback of 10 feet must be reviewed by the Planning Manager.

**DECISION: DENIED**

The Commission received and filed above items.

**Reports and Comments:**

**Planning Manager** In its last meeting of May 31, Mr. Bashmakian stated that City Council upheld the Commission's decision on Mr. Viet Le's retail project across City Hall, and approved the 3-story commercial building along 7000 block of Westminster Boulevard with an added condition that the second and third stories will be for professional use only. He stated that the proposed self-storage facility at Newland and 405 freeway is on hold indefinitely. Numerous letters of opposition on this project had been received by staff. Referring to Case No. 2005-66, Mr. Bashmakian requested Commission's direction if they prefer the applicant to reflect staff's recommendations on the plans before considering it. Commissioner Krippner stated that it was important that the Commission see the design before approval. Commissioner Bertels commented that since the trash bin issue was a significant and essential problem, it should be addressed.

**Follow-up to Commissioners' Comments** Commissioner Bertels mentioned that he had not received any update concerning his complaints about the unauthorized palm trees. He was upset that the Code was not being enforced to remove the unwanted trees. Commissioner Cruz stated that he spoke with Yard Operations Manager Jeff Howell who informed him that he is still waiting for the resident to respond. Mr. Bashmakian assured the Commission that he will pass this on to Public Works staff.

**City Attorney** **None**

**Planning Commissioners** Commissioner Cruz, Chairman Turro, and Commissioner Nguyen mentioned they will be on vacation the last two weeks of July. Since three Commissioners will be gone, Chairman Turro requested staff to check if the meetings could be moved to the first and second week of July. Mr. Bashmakian indicated that he will put this item for the next agenda to select a date.

Chairman Turro commended staff for leaving the reports unstapled and reducing the size of the plans in the agenda packets.

Commissioner Bertels thanked the City through Mayor Rice for the beautiful wreath for his mother-in-law's funeral. On behalf of his fellow Commissioners, Chairman Turro extended their condolences to Commissioner Bertels.

In compliance with AB1234, Mr. Bettenhausen confirmed with the Commissioners that they have provided reports relating to their attendance at the Planners Institute Conference.

**Adjournment**

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

Respectfully submitted,

Maria Moya  
Department Secretary