

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
August 2, 2006
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, August 2, 2006 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Chow, Cruz, Krippner, Turro
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Michael Patterson, Assistant 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 Chairman Turro.
- Approval of Minutes** Moved, seconded and carried 4-0-1, the minutes of the regular meeting of July 13, 2006 were approved. Commissioner Chow did not vote as she was not present in the last meeting.
- Oral Communications** There were no Oral Communications received.
- Written Communications** There were no Written Communications received.
- Public Hearing** There was no Public Hearing item scheduled for review.
- The Commission voted unanimously to take “**X.B.1. Presentation by Code Enforcement Manager**” out of order in the agenda and consider it first.

Reports and Comments:

- Follow up to Commissioners' Comments** 1. Presentation by Code Enforcement Manager

Ms. Vicki Morgan, Code Enforcement Manager, briefed the Commission with Code Enforcement Division's activities. She informed the Commission that the newly-hired fourth Code Enforcement Officer will start in mid-August which will bring a total of four full-time Code Enforcement Officers in the Division. In addition, three Community Development Block Grant-funded part-time officers' positions will open, one of which will work only on weekends to address illegal banners and signs. She reported that Shopping Cart Ordinances 2404 and 2405 have just gone through first reading with the City Council last July 26 and is scheduled for second reading on August 16. In addition, Ms. Morgan reported the City's agreement with Shopping Cart Retrieval Services has just been renewed for the current fiscal year. With regards to the shopping cart ordinances, Mr. Bashmakian offered to provide copies of the corresponding staff reports and draft ordinances to the Commission if they so desire. Ms. Morgan further informed the Commission that Code Enforcement is advertising in newspapers and newsletters towards educating the public on the City's new ordinance that trash bins could no longer be stored in public view except on trash collection days. Lastly, Ms. Morgan explained that except for prohibitive portable signs, signs on private lawns cannot be pulled down such as those posted on Edison poles and the County-owned flood channel fencing. However, she pointed out that Code Enforcement is working with Edison and the County to obtain written permission to remove the signs on their properties. On the whole, Ms. Morgan stated all other signs on medians and public properties are taken down.

Chairman Turro expressed thanks and appreciation to Ms. Morgan for the valuable information she presented to the Commission.

New Business

Case 2006-30 Site Plan. Located at 15471 Brookhurst Street. Requesting approval of a small recycling collection facility with reverse vending machines.

STAFF RECOMMENDATION: That the Planning Commission approve Case Number 2006-30 with the attached conditions.

Mr. Michael Patterson made a brief presentation on the applicant's request to establish a small recycling collection and buyback facility in the parking lot of and in association with Saigon City Market located at 15471 Brookhurst Street. Based on staff's findings and analysis, the Commission received staff recommendation to approve Case 2006-30 Site Plan subject to the conditions listed in the draft resolution.

Chairman Turro expressed concern about the location of the proposed recycling facility, noting that when the former Ralph's Supermarket was operating in the same location, big-wheeler trucks would park in front of the entrance of the store instead of parking on the side or back of the store, causing traffic congestion in the front parking area. He noted that coming off from McFadden Avenue, there is only one driveway to the recycling facility which could cause traffic back up until Magnolia. Mr. Bashmakian suggested that the Commission could add a condition to address the following circumstances: loading and unloading activities take place in a suitable place at the back of the store since staff did not take into account this issue; or if recycling operations would conflict with the daily operations of the business.

Commissioner Krippner felt the location of the recycling facility in the corner of the project site was not aesthetically conducive as it looks unplanned and trashy. However, Commissioner Chow commented that although the proposed recycling facility may not be visually pleasing, she still supports recycling as it is good for the community as whole. Commissioner Krippner pointed out that instead of the recycling facility, recycling trash bins can set in convenient and accessible spots in the store instead.

Mr. Patterson informed the Commission that the applicant originally proposed a different location, along a drive aisle from Brookhurst, but Public Works Department advised that the current location has the least effect of traffic impact.

The Commission allowed Mr. Bruce Welch, representing the applicant, TOMRA Recycling, 150 King Circle, Corona, to speak. He stated that he understood the Commission's concerns regarding the appearance of the recycling facility. He explained that TOMRA Recycling has the highest standards of property maintenance since their employees are trained, and the supermarket operations manager visit the site daily to ensure the cleanliness of the facility. He indicated that the recycling facility would be independent of the store's operations but would service the store to comply with state-mandated rules to have a recycling facility onsite. Regarding the location, Mr. Welch stated that the closer the recycling facility is moved to the supermarket, the more difficult it would be for traffic and parking. However, he indicated that he was open to other sites but it

would be difficult to locate some where other than where the beneficiary of the service is located.

Commissioner Bertels stated that recycling facilities have improved in appearance through the years and are now more presentable. He was favorable to the project but preferred the 18-wheeler trucks unloading and loading miscellaneous products not park along the driveway.

Mr. Bettenhausen stated that if parking is not allowed by Code, violating it would be addressed by the Police Department or Code Enforcement. He advised that the Commission can approve the project with a condition that the parking issue needs to be resolved.

Mr. Bashmakian stated that since the City has set a limit of five parking spaces for the recycling facility, and recognizing that parking could be below or above the parking requirement, the Commission could disapprove the project if it determines that the number of parking spaces could be detrimental to the project site. Also, due to the Commission's concern about parking of vehicles in front of the building, Mr. Bashmakian indicated the Commission could include another condition relating to the parking enforcement, or continue the item so that the applicant could discuss this issue with the property owner to ensure there will be no parking of trucks in front of the store.

Motion

Chairman Turro moved that the Planning Commission approve Case 2006-30 Site Plan with the condition there shall be no trucks parked in front of the store at anytime, loading and unloading should occur in the designated area and the recycling facility be to a located at the farthest northeast corner within the property site. If that was not possible, Chairman Turro added that the recycling facility be placed back to the proposed location. Commissioner Bertels suggested that the motion be amended to just state that the location of the facility be moved to the farthest northeast corner of the property site. Chairman Turro agreed to amend the motion. Commissioner Cruz seconded and the motion carried 5-0.

Old Business

There was no Old Business scheduled for review.

Administrative Approvals

Mr. Bashmakian informed the Commission that there are two Administrative Approvals that were not included in the agenda because the approvals were made after the agenda was posted. Normally, Mr. Bashmakian explained there is a 15-day appeal

period, however, since the Commission will not meet on August 16, the items would go beyond the 15-day appeal period and the Commission will not have these items for consideration. He stated that it is up to the Commission to add these items in the agenda for consideration due to the special circumstances mentioned. If the Commission wishes to do so, a 2/3 vote of the Commission would be required.

It was moved, seconded, and carried 5-0, that the Commission consider the two items in the agenda that were in need of immediate action because the appeal period will expire.

The Planning Commission received notification that the following items were reviewed by the Planning Manager. The decision on the items becomes final unless such decision is appealed to the Planning Commission or the Planning Commission requests further review.

- A. Case 2006-55, Administrative Adjustment.** Located at 8920 Neptune Circle. The applicant is requesting a 10-foot 2-inch rear yard setback for a one-story, 487-square foot family room addition, whereas a 20-foot setback is required in accordance with section 17.10020(E) of the Westminster Municipal Code. In the R1 district, a request for a reduced rear yard setback of 10 feet 2 inches must be reviewed by the Planning Manager.

DECISION: APPROVED

The Commission by a vote of 5-0, received and filed above item.

- B. Case 2006-58, Administrative Adjustment.** Located at 13292 Whitney Circle. The applicant proposes to construct an enclosed patio addition with the following setbacks

DECISION: APPROVED

The Commission by a vote of 5-0, received and filed above item.

Reports and Comments:

Planning Manager Because City Council will be meeting on August 16 which is also the next regular meeting of the Planning Commission, Mr. Bashmakian suggested that the Commission move its meeting to August 23 instead. The Commission unanimously agreed to

meet on August 23. Mr. Bashmakian welcomed the newest member to the Commission, Commissioner Chow.

City Attorney

As a refresher to the Commission, especially for new Commissioner Chow, Mr. Bettenhausen made a brief overview presentation on open public meeting requirements under the Brown Act and Conflicts of Interest Rules.

**Planning
Commissioners**

Commissioner Cruz reported that the parking lot at Beach Boulevard and Hazard Street has overgrown vegetation and illegal signs. Mr. Bashmakian stated that he will report this to Code Enforcement.

Chairman Turro welcomed Commissioner Roxanne Chow to the Commission.

Adjournment

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Maria Moya
Department Secretary