

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

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, November 1, 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; Steve Ratkay, Associate Planner; and Maria Moya, Department Secretary
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Krippner.
- Approval of Minutes** The minutes of the regular meeting of November 1, 2006 were approved, on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 3-0-2, Commissioners Chow and Krippner abstained since they were absent in that meeting.
- Oral Communications** The Commission allowed Mr. Randall Ressel of 13931 Grambling Circle, to speak. Mr. Ressel praised the Commission for upholding staff's recommendation on Case No. 2006-73 in their meeting of October 4, 2006 which was overturned by City Council when the case was appealed to them. He mentioned that he missed the November 1 Planning Commission meeting as he had planned to give his comments on the October 18 minutes because the City's website did not list the meeting schedule. Based on listening to the tape of the minutes, he requested a correction on page 5, paragraph 3, line 3, to state as follows, "...these employees will use public transportation or carpool". Since the minutes have been approved, the Commission directed the Secretary to verify Mr. Ressel's correction by listening to the tape again. Mr. Bashmakian stated that staff will provide an update on this item to the Commission in their next meeting. Mr. Ressel confirmed with Commissioner Chow that the statements she made on page 5, paragraph 4 were correct.

**Written
Communications**

Mr. Art Bashmakian indicated that a letter (copies were provided to the Commission) was just received which relates to the public hearing item that will be considered by the Commission that evening.

Public Hearing

A. Case 2006-59 Conditional Use Permit and Variance.

Application for a Conditional Use Permit to allow the on-sale of beer and wine and entertainment in conjunction with a proposed restaurant and a Variance to allow a portion of the subject site's parking area to vary from the minimum driveway aisle width and minimum vehicular back-up space requirements as on-site valet parking service is proposed. The site is located in Catinat Plaza located at 9741 and 9743 Bolsa Avenue.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit and variance request for Case Number 2006-59 based on the findings and conditions outlined in the proposed resolution.

Mr. Bashmakian made a brief presentation on the background of the applicant's request to allow on-sale of beer and wine and entertainment for the proposed restaurant, and a variance request to change the vehicular aisle width and back-up space requirements. He indicated that staff supports the requests based upon staff's analysis and findings and conditions in the draft resolution.

The public hearing was opened.

Speaking in favor of the application was the architect of the project, Mr. Jerry Yates of 3241 Kallin Avenue, Long Beach. He indicated that he was in agreement with staff's recommendations and conditions. He informed the Commission that one of the owners of the project is also present and both of them are available to answer any questions.

Speaking in opposition were the following:

Ms. Lyn Zachmeyer of 9851 Bolsa Avenue, Space 36, stated that she submitted a copy of her letter to the Commission which summarized her main concerns regarding the noise from the ongoing construction of the building over the past nine months and the potential noise impact from the proposed banquet facility. She reported that construction starts before 7 a.m. Monday through Saturday.

Mr. Benny Soto of 9712 Lexington, Garden Grove, indicated that his property is directly behind the proposed parking lot of the shopping center. He expressed concern about insufficient parking, security, non-compliance with the hours of operation; and potential noise after 9:30 p.m.

Ms. Sandra Berge of 9722 Lexington, Garden Grove, has lived in the adjacent property for 20 years. She was concerned that the banquet facility, which was not the original proposed project, would turn into a night club. She wanted to know how the hours of operations will be monitored; if there will be security since the original barbed wire separating her property from the shopping center has been removed; what is stacked parking; and expressed concern that drunk and noisy people would loiter in the parking area.

Speaking in rebuttal, Mr. Yates explained many of the concerns raised by the residents are covered by the lengthy conditions imposed by staff. He mentioned that residents can notify the Police Department prior to the use of the valet service or banquet facility so that they are aware that these activities are happening. He indicated that the doors and windows will be closed and the building will be insulated; the valet parking area will be in the front and not behind the building; and only normal parking will be permitted at the rear of the building. Regarding noise occurring after 9:30 p.m., Mr. Yates stated that staff's condition requires music to stop by 9:30 p.m. and the facility to be closed by 10 p.m. He stated that this banquet facility is intended more for sitting and meeting types. He added that the City itself does not have this type of facility within the city and the City has taken this project very seriously by imposing conditions to protect the citizens. He explained that stacked parking is not vertical parking but bumper to bumper style parking as most valet parking conditions.

The public hearing was closed.

Commissioner Bertels pointed out that the City has the Rose Garden banquet facility in addition to the Community Services Recreation's East and West Room and other restaurants around the city that Chairman Turro mentioned.

Commissioner Chow thanked the residents who voiced their concerns but assured them that the conditions imposed by staff were sufficient and the applicant has to abide by them. She stated that the residents can call the Planning Commission, Code Enforcement, or the Police Department anytime when permit

violations occur and the Commission can call it up for review every nine months. Chairman Turro pointed this out in Condition No. 39. He indicated that he prefers a six-month review period instead of nine months.

Commissioner Chow felt that the banquet facility will not turn into a night club because the permit allows for a banquet facility only. She reiterated that the residents can always monitor the time of operations and report noise to the authorities. However, she expressed concern that construction begins as early as 6:30 a.m. Mr. Yates stated that the condition of approval requires construction start at 7 a.m. and the contractor was aware of that. Commissioner Chow requested Mr. Yates to impart to the contractor that he would follow the allowed construction time. Commissioner Krippner pointed out that the Commission should focus on the long term uses of the project instead of the construction hours. But Chairman Turro indicated that starting construction at 7 a.m. would alleviate the residents' concerns. Related to this, Commissioner Bertels wanted to know if there was a difference between residential and commercial construction hours because he remembered that while having some construction at his home, his contractor started at 8 a.m. Mr. Bashmakian checked the Code and confirmed that 7 a.m. applies to all real properties, commercial or residential. With regards to the completion of the building, Mr. Yates informed the Commission that they are reaching a 90% completion rate.

Commissioner Cruz asked for clarification of Condition No. 53 concerning notification after the first banquet. Mr. Bashmakian explained that this was a service to the residents, prior to the first banquet, that would provide a contact person for the residents to call, thereby minimizing the problems as these are brought to the attention of the owners, and the matter is resolved right away.

Chairman Turro indicated that staff's 54 conditions of approval plus the Police Department's 13 more conditions provides enough protection to the residents. In response to Chairman Turro about the exit doors, Mr. Bashmakian responded there is an exit door from the kitchen area and the patrons will not be exiting from there but from the three entrance areas. Commissioner Bertels had concerns as follows: banquet patrons exiting from Building B and making a left turn towards the driveway; and if there would be a fence that would prevent banquet patrons from going into the mobile home area. Mr. Bashmakian responded that the driveway area is within the mobile homes' property and there is a block wall between the banquet facility and the mobile homes.

Chairman Turro restated that he will only approve the project if the 9-month review is changed to a 6-month review. Mr. Basmakian advised that Condition No. 39 could be modified if the Commission chooses to do so.

Commissioner Krippner felt that since the reserved valet parking areas will be the quietest part of the parking site, he suggested that it should serve as a buffer to the adjacent properties. He added that regular parking should not be closest to the residents.

Motion

Commissioner Chow moved that the Commission approve Case Number 2006-59 based on the findings and conditions outlined in the proposed resolution including amendment to Condition No. 39 requiring subsequent review of six months increments instead of nine months. Commissioner Cruz seconded.

Commissioner Krippner pointed out that the Commission should also address the valet parking as it should be nearest the residents. Mr. Bashmakian explained there is no valet parking in the rear of the building as there may be fire restrictions and may affect the 22 parking spaces. However, he added that the Commission could put a condition that the approval will be subject to Public Works and Orange County Fire Authority's (OCFA) review. Mr. Yates stated that they cannot interfere in the rear area because it is required by OCFA to serve as access to the building. According to him, the rear would not be permitted by the OCFA due to egress and ingress of traffic going east. Commissioner Krippner disagreed and indicated that he will not approve the project unless the valet parking is moved closest to the residents. Mr. Yates stated that he will try to reconfigure the parking area subject to the Public Works and OCFA approval. Mr. Bashmakian confirmed that Commissioner Krippner's suggestion is reasonable and could serve as a buffer to nearby residents. However, he stated that if the patrons of the banquet facility refuse to use the valet parking, there could be a potential parking problem. Commissioner Chow stated that parking will not be affected because the parking spaces are just being switched. She agreed to Commissioner Krippner's amendment to the motion to require the applicant to relocate valet parking at the back of the building subject to the Public Works and OCFA approval. With the approval of the second, Commissioner Chow agreed to revise her motion requiring relocating valet parking.

The motion carried 4-1, Commissioner Bertels dissented.

New Business A. Case 2006-88 Appeal of Staff's decision to Planning Commission. Appeal of Staff's decision pertaining to equipment screening and utility connections for a soil remediation unit. The site location is at 8481 Westminster Boulevard (northwest corner of Westminster Boulevard and Newland Street).

STAFF RECOMMENDATION: That the Planning Commission uphold Staff's decision to require compliance with the approved plans.

Mr. Steve Ratkay stated that this request was continued from the meeting of October 18 to provide the applicant additional time to prepare. He discussed the equipment screening and utility connections for the soil remediation unit. After analysis, Mr. Ratkay recommended that the Planning Commission uphold staff decision requiring compliance with the approved plans.

The Commission allowed Chevron representative, Mr. Peter Stumpf of 4743 E. Bond Avenue, Orange, to speak. He displayed pictures of the equipment that extended beyond the wall. In order to address this matter, he proposed to install an aesthetically pleasing lattice work that will cover the equipment. Relating to the power poles, Mr. Stumpf requested to appeal staff decision stating that the temporary pole is not an eyesore and looks very similar to other poles in the area. He displayed pictures of worse looking poles within the City and asked for equal treatment with those similar installations. He stated that they have talked to Edison which owns the stabilizing pole and was advised that the temporary pole can be installed underground. However, going underground would require a 60-70 foot connection through the casket business that might cause disruption to the business. He explained that this is a temporary installation that would require at least 18-24 months before the equipment is removed.

Mr. Bashmakian advised the Commission that it can decide not to require undergrounding the lines.

Chairman Turro stated the pole did not bother him but asked about the lattice work. Mr. Stumpf indicated that the lattice work will be installed across the block wall and he was willing to put something other than the lattice that will look better.

Mr. Stumph explained that the wire goes up to the top of the desired height of the pole. He added that they have installed similar temporary poles in the cities of Huntington Beach, Los Angeles, Santa Monica and Fountain Valley.

Commissioner Krippner suggested marking the pole with a “temporary pole sign” on its surface.

Mr. Stumpf stated that it is hard to tell how long it would take to evaporate the toxins from the soil. As a result after operating for five months, the concentration on the ground water have dropped approximately by half.

Commissioner Bertels reminded the Commission that the equipment is temporary and the Commission can require Chevron to come back to the Commission for compliance after 24 months.

Mr. Bashmakian advised that the Commission can deny the appeal or direct the applicant to work with staff to modify the design to better screen the facility. Staff will review the modified design and if it is acceptable, it can be approved administratively. If not, it will be brought to the Commission for approval.

Motion On motion of Chairman Turro, seconded by Commissioner Bertels, and carried 5-0, the Commission upheld staff decision to require compliance with the City’s equipment screening requirements but waive the requirement to underground the electrical utility connections.

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 During Oral Communications, Mr. Resell spoke about the absence of the Planning Commission schedule in the City’s website. Mr. Bashmakian informed the Commission that this mistake has been corrected. He wished everyone a Happy Thanksgiving.

Follow up to Commissioner’s Mr. Bashmakian informed Commissioner Bertels that he has forwarded his concern regarding the illegal palm tree issue to Public Works Director Marwan Yousseff and his staff.

City Attorney None

Planning Commissioner’s Comments Regarding the matters that come before the Commission for consideration, Commissioner Krippner stated that the Commissioners can argue and convince each other in public only and never in private. Chairman Turro concurred.

Except for Commissioner Cruz, all the other Commissioners were available to meet in the next Planning Commission meeting on the alternative meeting date of December 4. As for the December 18 meeting, Commissioner Chow indicated that she was not sure if she will be available to attend.

Chairman Turro wished everyone Happy Thanksgiving.

**Reporting on
AB 1234**

None

Adjournment

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

Respectfully submitted,

Maria Moya
Department Secretary