

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
January 17, 2007
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Monday, January 17, 2007 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: Chow
- Staff Attendance** Art Bashmakian, Planning Manager; Chris Wong, 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 Commissioner Cruz.
- Approval of Minutes** Chairman Turro pointed out the word "City" should be added after "Midway" when referenced in the minutes to read "Midway City Sanitary District". The minutes of the regular meeting of December 18, 2006 were approved as corrected on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 4-1, Commissioner Chow absent.
- Oral Communications** None
- Written Communications** None
- Public Hearing** A. Case 2006-06 Variance, Conditional Use Permit, Site Plan, Design Review. Location: Northeast Corner of Beach Boulevard & Edinger Street (Assessor's Parcel Number 107-212-06). Application for Variances, a Conditional Use Permit, Site Plan and Design Review to allow the construction of two single-story retail buildings totaling 6,777 square feet and a three story (including one basement level) self storage building totaling 135,100 square feet. (Continued from the December 18, 2006 meeting).

NOTE: The Public Hearing to hear public testimony on this matter is closed

STAFF RECOMMENDATION: That the Planning Commission 1) receive and file the attached letters pertaining to the Final Environmental Impact Report for Case 2006-06; and 2) adopt resolution 2006-06I(B) denying Case 2006-06 unless the Commission approves a motion to reconsider a new motion to approve the project in which case the Commission could adopt Resolution 2006-06(C).

Commissioner Chow arrived at 6:36 p.m. She apologized for arriving late. Pertaining to Case 2006-06, Commissioner Chow requested to recuse herself due to conflict of interest as she recently found out that some of her colleagues represent the applicant in another city. She stated that she has spoken with the City Attorney who advised it was best if she did. Mr. Bettenhausen stated that although he has not fully looked at the issue, it did not appear there was much connection or financial contact between the people that have worked for the applicant and Commissioner Chow. However, for caution and not have the opportunity to review it further, Commissioner Chow was advised to recuse herself.

Commissioner Chow recused herself and left the dais.

Mr. Art Bashmakian provided a brief presentation on the applicant's request to develop the northeast corner of Beach Boulevard and Edinger Street with two retail buildings and a self-storage building. He stated that this case had been considered in the last public hearing, December 18, 2006, when the Planning Commission voted to certify the EIR but the motion to approve the project failed. According to Mr. Bashmakian, since there was no motion to deny or reconsider the project, a final action has not yet occurred for this project. Therefore, what is before the Commission for consideration that evening was the continuation of the matter to either approve or deny the project. Mr. Bashmakian stated that the public hearing has been closed and any new information for consideration would require renotification on a separate public hearing date. He added staff received two letters pertaining to the EIR. However, since the EIR has been certified prior to the receipt of the letters, staff recommended for the Commission to receive and file these letters. Mr. Bettenhausen concurred with Mr. Bashmakian.

Motion Commissioner Cruz, seconded by Commissioner Bertels, moved that the Planning Commission reconsider the decision to reconsider the prior decision of the Commission. The motion carried 3-1-1, Commissioner Krippner dissented, Commission Chow absent.

Motion Commissioner Bertels moved that the Planning Commission adopt Resolution 2006-06(B) and approve Case 2006-06. Chairman Turro seconded and the motion carried 3-1-1, Commissioner Krippner dissented, Commission Chow absent.

Motion On motion of Chairman Turro, seconded by Commissioner Cruz, the Commission moved to receive and file the two letters pertaining to the EIR. The motion carried 4-1, Commissioner Chow absent.

Commissioner Chow returned to the dais.

- B. Case 2006-79 Conditional Use Permit, Variance, Site Plan Review, Design Review, Lot Line Adjustment. Location: 6621-6791 Westminster Boulevard (Assessor's Parcel Number 203-541-19). The applicant is proposing to establish a new 24-Hour Fitness health club/gymnasium located within the existing Westminster Center retail shopping center. To accommodate the new use, the applicant also proposes to expand an existing building by approximately 6,523 square feet (creating a 14,746-square-foot tenant space) and adjust existing property lines which will result in a reduced rear yard setback for the adjacent parcel to the south.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-79 (CUP, V, SP, DR, LLA) subject to the conditions stated in the proposed resolution.

Mr. Chris Wong presented the description and analysis of the project. He stated that based on staff's findings and review, staff is recommending that the Commission approve the request based on the findings and conditions in the draft resolution.

The public hearing was opened.

Speaking in favor of the application were the architect/applicant, Mr. Michael Kareti of KK Architects, 408 S. Spring Street, Los Angeles and Weintgarten Realty representative Mr. Brian Kriz of 7825 Lichen Drive, Citrus Heights. They were available to answer any questions.

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

Motion

On motion of Commissioner Bertels, seconded by Commissioner Chow, and carried 5-0, the Commission approved Case No. 2006-79 (CUP, V, SP, DR, LLA) subject to the conditions stated in the proposed resolution.

- C. Case 2006-49 Tentative Parcel Map, Site Plan Review, Design Review. Location: 14241 Pacific Avenue (Assessor's Parcel Number 096-351-23). The applicant is proposing to demolish an existing single-family dwelling in order to develop 3 new residential condominium units located on an 8,590-square-foot corner lot.

STAFF RECOMMENDATION: That the Planning Commission approve Case No 2006-49 (TPM, SP, DR) subject to the conditions stated in the proposed draft resolution.

Mr. Wong stated that this is an application to demolish an existing single-family dwelling to develop 3 new residential condominium units. He described the proposed request, summarized staff's analysis, and recommended that the Planning Commission approve the project subject to the conditions stated in the proposed draft resolution. He mentioned that a letter from Mr. Timothy Leung was provided to the Commission which states that the project does not comply with off-street parking spaces. Related to this, Mr. Wong explained that staff discussed whether or not to count driveways as off-street parking spaces. Mr. Wong indicated that staff initially determined driveways should not be counted, and a public notice was sent out requiring a variance for off-street parking spaces. However, after consideration of past projects approved by the Commission with similar designs that counted driveways as off-street parking, staff reconsidered and reversed its decision to consider driveways as off-street parking spaces and a variance was no longer required.

The public hearing was opened.

Mr. Bon Hoang of 401 Marion Blvd., Fullerton, spoke in favor. He addressed two issues of concern: reduce the duplex driveway curb cut from 35 feet to 30 feet; and noted that the proposed front landscape provides more than code requirement.

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

Commissioner Krippner believed the project was a good proposal and there was no reason to disapprove it.

Motion

Commissioner Krippner moved that the Planning Commission approve Case No 2006-49 (TPM,SP,DR) subject to the conditions stated in the proposed draft resolution. Chairman Turro seconded.

Commissioner Chow indicated that she liked the design and wanted to know if there were any parking problems in the area. Chairman Turro stated that he visited the site and did not see any parking problem. Mr. Bashmakian and Commissioner Cruz concurred.

Concerning No. 29 on page 11 of the draft resolution, Commissioner Bertels wanted to know if the automatic garage door opener is equipped with a safety device that automatically stops when it comes in contact with a child or an object. The applicant confirmed that the sensor is a standard safety device for all garage door openers. Notwithstanding, Commissioner Bertels required that the phrase, "automatic stop" be added in Condition No. 29. Mr. Hoang conformed to this condition.

With the approval of the second (Chairman Turro), Commissioner Krippner amended his motion to include the phrase, "automatic stop" in Condition No. 29.

Concerning Condition No. 5a that requires redesigning the garages, Mr. Bashmakian explained that it was up to the Planning Commission to remove this condition if they were satisfied with the design of the project as proposed. Eventually, Chairman Turro confirmed with Mr. Hoang that he can meet all of staff's conditions except Condition No. 5a. Despite Mr. Hoang's non-concurrence with Condition No. 5a, the Commission was in full agreement that that the motion to approve should stand and it includes Condition No. 5a. The motion carried 5-0.

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 Administrative Approval item was reviewed by the Planning Manager.

- A. Case 2006-108 Administrative Adjustment. Location: 9621 Poppy Circle (Assessor's Parcel Number 143-103-24). The applicant is proposing to add 263 square-feet to a bedroom which will result in a 10 foot encroachment into the 20 foot rear yard setback. An administrative review of this will be conducted on January 15, 2007

and the Planning Manager's actions will be reported to the Planning Commission January 17, 2007.

The Commission unanimously voted to receive and file above item.

Reports and Comments:

Planning Manager Since the City Council will reappoint old or appoint new members to the Commission this year, Mr. Bashmakian stated that it had been a pleasure working with the Commission and expressed his gratitude to all of them.

Follow up to Commissioners' Comments None

City Attorney None

Planning Commissioners' Comments Commissioner Cruz indicated that since he may not be reappointed to the Commission again, he remarked it had been a pleasure working in the Commission.

In turn, Commissioner Chow stated it had been a pleasure working with Commissioner Cruz.

Since each Commissioner did not know if they will be reappointed or not, Chairman Turro stated that everyone served well in the Commission.

Reporting on AB 1234 None

Adjournment The meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Maria Moya
Department Secretary