



**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
December 5, 2007
6:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, December 5, 2007 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Krippner , Tran, Turro
Commissioner absent: Chow
- Staff Attendance** Art Bashmakian, Planning Manager; Michael Patterson and Chris Wong, Assistant Planners; Fenn Moun, Planning Technician; and Maria Moya, Department Secretary
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Krippner.

Commissioner Chow arrived at 6:33 p.m.
- Approval of Minutes** The minutes of the regular meeting of November 7, 2007 were approved on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0.
- Oral Communications** None
- Written Communications** None

Mr. Christian Bettenhausen arrived at 6:35 p.m.

Public Hearing A. Case 2007-44 Conditional Use Permit and Design Review

Location: 15412 Goldenwest Street (northeast corner of Goldenwest Street and McFadden Avenue) Fresh and Easy Neighborhood Market

Application for a conditional use permit and design review to allow for the sale of beer, wine and distilled spirits for off-site consumption and exterior architectural modifications to an existing building.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit and design review

Mr. Michael Patterson made a brief presentation on the proposed application. Based on staff findings and analysis, Mr. Patterson recommended approval of Case 2007-44 Conditional Use Permit and Design Review subject to the all the conditions listed in the draft resolution.

The public hearing was opened.

Speaking in favor on behalf of Fresh & Easy, was Mr. Mike Macfarland of 701 N. Parkcenter Drive, Santa Ana. He thanked staff for its assistance, and requested the following changes in the draft resolution: Condition No. 12 – change delivery hours from “9 a.m.- 3 p.m.” to “7 a.m.- 1 p.m.” as this time period was regular delivery hours for grocery stores; and Condition No. 19 – change the display and storage areas for alcoholic products not to exceed “7%” instead of “5%” due to an error in calculation submitted to staff.

Mr. Eli Beas, 883 E. 7th Street, Pomona, of the Bergman Companies, developer for Fresh & Easy, also spoke in favor. He was available to answer any questions.

No one spoke in opposition.

Commissioner Chow stated that the applicant’s requests were acceptable. However, she suggested a sign with a contact phone number be posted at the back of the delivery area which the residents can call for any complaints concerning the delivery trucks.

Motion

Commissioner Bertels moved that the Planning Commission approve the conditional use permit and design review based on the conditions listed in the draft resolution including the following

changes: Condition No. 12 - Delivery hours shall be limited to “7 a.m. to 1 p.m.” instead of “9 a.m. to 3 p.m.”; Condition No. 19 – Display and storage areas for alcoholic products shall not exceed “7%” instead of “5%”; and the applicant will post a sign at the rear of the building near the loading area providing information on truck delivery hours and a contact phone number for residents to report any complaints concerning the delivery trucks. Chairman Turro seconded and the motion carried 5-0.

B. Case 2007-69 Tentative Tract Map, Site Plan Review, Design Review Location: 7881 11th Street (west of 11th Street north of Pacific Avenue)

The applicant is proposing to demolish an existing dwelling and consolidate two parcels to build a new 5-unit condominium development.

RECOMMENDATION: That the Planning Commission approve Case No. 2007-69.

Mr. Chris Wong stated that the applicant is requesting to demolish an existing dwelling and consolidate two parcels to build a 5-unit condominium project. Staff supports the request based on its findings and analysis, and recommended approval of the application.

The public hearing was opened.

Speaking in favor was the architect, Mr. Loc Pham of 43 Pacific Mist, Newport Coast. In complying with Condition No. 5c, he explained that the roof lines on the east side of the building have different elevations, but not in the front building.

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

Commissioner Chow liked the project and concurred with staff’s Condition 5c. Mr. Pham indicated they will work with the architects and revise the plans to comply with staff’s requirement to provide for varying roof lines.

Motion

On motion of Commissioner Chow, seconded by Commissioner Tran, and carried 5-0, the Planning Commission approved Case No. 2007-69 subject to the conditions listed in the draft resolution.

Reports

A. Case 2007-76 Design Review – Level 2 Location: 13961 Willow Lane (west of Willow Lane north of Westminster Boulevard)

A level 2 design review for the rehabilitation and renovation of an existing commercial building which will include replacement of (2) separate exterior staircases, second story walkway, and a redesign of the building façade with new textures, trims, and colors.

RECOMMENDATION: That the Planning Commission approve Case No 2007-76.

Mr. Fenn Moun made a brief presentation on the applicant's request to rehabilitate and renovate an existing building and redesign the building façade. Based on staff findings, staff recommended approval of Case No 2007-76 subject to the conditions listed in the draft resolution.

The Commission allowed the property owner, Ms. Virginia Shaw of P O Box 3141, Apple Valley, to speak. She indicated that they have a new plan proposal and their contractor/draftsman was available to answer any questions.

Commissioner Bertels commented that he was not in favor of the southwestern color of the building which has become popular in Southern California developments. Mr. Ron Myers of 1399 Malakai, Apple Valley, representing the applicant, indicated the design is a modern Mediterranean style similar to Starbucks' coffee shops. He added that their proposal has the same color scheme as the building on Edwards Street south of Westminster Boulevard that was recently approved by the Planning Commission.

Motion

Commissioner Krippner moved that the Planning Commission approve Case No 2007-76. Chairman Turro seconded and the motion carried 4-1, Commissioner Bertels dissented.

B. Zoning Interpretation.

Location: Citywide

Planning staff is requesting that the Planning Commission determine if patios, sunshades and enclosed patios, attached to a single-family dwelling, must provide direct access through the dwelling.

RECOMMENDATION: That the Planning Commission determine that patios, sunshades and enclosed patios, attached to a single-family dwelling, are not required to provide direct access from the dwelling.

Mr. Bashmakian indicated that in general, patios, sunshades and enclosed patios attached to a family dwelling provide direct access

through the dwelling. However, in some cases, due to the configuration of the property or floor plan, these patios or similar structures have no direct access to the dwelling. In order to address the hardship created by the Code's restriction in these cases, staff is recommending that the Planning Commission determine that patios, sunshades and enclosed patios attached to a dwelling are not required to provide direct access from the dwelling.

No one spoke for nor against the proposal.

Chairman Turro expressed concern that if the enclosed patios do not have direct access to the house, it could end up being a separate rental unit. Commissioner Chow concurred with Chairman Turro. Commissioner Krippner expressed fire hazard concerns if there is no direct access and egress for enclosed patios.

Motion Commissioner Chow moved that the Planning Commission determine that patios and sunshades, attached to a single-family dwelling, are not required to provide direct access from the dwelling except for enclosed patios which must still have direct access from a dwelling. Chairman Turro seconded and the motion carried 5-0.

Administrative Approvals The Planning Commission received notification that there was no Administrative Approval item reviewed by the Planning Manager.

Items from the Planning Commission A. Discussion of Planning Commission meeting date for January 16, 2008 to be adjourned to January 23, 2008.

Mr. Bashmakian explained that due to the change in City Council meeting schedule to January 16, 2008, the Planning Commission's second meeting for the month of January has been moved from January 16 to January 23.

Comments: Planning Commissioner Chairman Turro thanked staff for its work that evening. He inquired for an update on the illegal palm trees planted on parkways and the illegal Hard Rock Café signs mentioned by the Commission last meeting. Mr. Bashmakian stated that their concerns have been related to Mr. Jeff Howell of Public Works Department and Code Enforcement Division, respectively.

Planning Manager None

City Attorney None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 7:50 p.m. to the Planning Commission meeting of January 23, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Department Secretary