

**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
May 14, 2007
5:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in an adjourned regular session on Monday, May 14, 2007 called to order in the Westminster Council Chambers, at 5:37 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Krippner, Chow, Turro
Commissioner absent: Contreras, Lam
- Staff Attendance** Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Michael Patterson, Assistant Planner; Maria Moya, Department Secretary; and Christian Bettenhausen, Deputy City Attorney
- Detective Ron Weber and Sgt. Marcus Frank, Police Department
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Chairman Turro.
- Approval of Minutes** The minutes of the regular meetings of May 2, 2007 were approved on motion of Commissioner Krippner, seconded by Commissioner Chow and carried 3-0-2, Commissioners Contreras and Lam absent.
- Oral Communications** None
- Written Communications** None
- Commissioner Contreras arrived at 5:48 p.m.
- Reports** A. Study Session – Westminster Police Department Re: Alcoholic Beverage Control Licenses.
- After introducing themselves, Detective Ron Weber and Sgt. Marcus Frank from the Westminster Police Department made a presentation concerning Alcoholic Beverage Control (ABC) licenses. Mr. Weber stated that they work with the “Crime Against

the Public Unit” which oversees ABC licenses/conditional use permits, organized crime, and narcotics. They discussed how the Police will address new ABC applications where saturation may be an issue. Mr. Weber explained the term, “over saturation” of ABC licenses and the contributing factors that may result in a district to be considered oversaturated. He noted that studies indicate that allowing over saturation of ABC licenses could negatively impact public safety. According to them, as the City continues to grow, the demand for ABC licenses increases. Although the City is trying to be business friendly in granting ABC licenses, the Commission must be cautious in granting these licenses as the Police are already experiencing some problems with over saturation of ABC licenses in the city. For businesses seeking ABC licenses in an over 20% saturation district, Mr. Weber indicated that the Police would generally recommend denial.

In conclusion, the Police staff stated that the standards set against over saturation support public safety and reduce crime levels. Although certain allowances should be made, the applicant has the burden of proof to show why the permit should be granted. Mr. Weber informed the Commission that it might see some denials from the Police Department on future ABC license requests. He informed the Commission this is how the Police Department is now responding to these ABC requests.

Mr. Bashmakian indicated that the Police Department’s information was provided so that when the Commission considers future requests for ABC licenses in an oversaturated area, they will not be surprised to receive Police Department’s recommendation for denial.

Chairman Turro thanked the Police Department for its guidance and help in assisting the Commission when it considers ABC license requests.

The Commission observed a recess at 6:41 p.m. and reconvened at 6:55 p.m.

- B. Case 2006-104 Design Review – Level 2. Location: 14571 Magnolia Street (Assessor’s Parcel Number 097-341-26). Request to Authorize the construction of a roof-mounted wireless communications facility, placed behind a parapet wall and fully screened atop a two-story medical office building.

STAFF RECOMMENDATION: That the Planning Commission approve the design review based on the findings and conditions in the proposed resolution.

Mr. Steve Ratkay provided a brief overview and analysis of the project, its location, zoning, and site plan. He indicated that staff supports the request with the recommended conditions listed in the resolution.

The Commission allowed the applicant's representative, Mr. John Koos of 2923 Saturn Street, Unit A, Brea, to speak. He addressed Condition No. 5a which requires full screening of the entire roof perimeter. He requested that the Commission consider the original design without the full screening. He stated that the original design combines the architectural features of the building's 90-degree angle step-up that would continue to the top of the building. He stated that it will not be visible as an additional roof element. Mr. Koos indicated staff seems more concerned about the future outcome and not the design of the project since staff wants to ensure that subsequent carriers will be concealed. He felt that they were being made accountable for something that may not happen. Mr. Koos stated the additional square footage to screen the whole perimeter of the roof is going to be expensive and will not actually serve more than provide additional screening in the future.

Motion

On motion of Commissioner Contreras, seconded by Commissioner Chow, and carried 4-0-1, Commissioner Lam absent, the Planning Commission approved Case No. 2006-104 based on the findings and conditions in the proposed resolution.

- C. Case 2005-20 Time Extension Request. Location: 15420 Brookhurst Street (Assessor's Parcel Number 108-553-25). The applicant is requesting an extension of previous approval of Site Plan and Design Review.

STAFF RECOMMENDATION: That the Planning Commission approve the extension for Case Number 2005-20.

Mr. Art Bashmakian indicated that staff supports the applicant's request for a time extension of the approval of Case No. 2005-20 because the pertinent sections of the Code have not changed since its approval.

The Commission allowed the applicant, Mr. Tim Vo of 3324 Myrtle Avenue, Signal Hill, to speak. Mr. Vo stated that the owner does not have the design at this time but wants to keep the permit current.

Motion Chairman Turro moved that the Planning Commission approve the extension of the approval for Case Number 2005-20 for six months as recommended by staff. Commission Krippner seconded. The motion carried 2-2-0, Commissioners Chow and Contreras dissented, Commissioner Lam absent, and the motion failed.

Motion Commissioner Chow moved that the Planning Commission approve the extension of the approval for Case Number 2005-20 as recommended by staff with an additional two months extension. Commission Contreras seconded. The motion carried 2-2-0, Chairman Turro and Commissioner Krippner dissented, Commissioner Lam absent, and the motion failed.

Motion On motion of Commissioner Contreras, seconded by Commissioner Chow, and carried 4-0-1, Commissioner Lam absent, and the Planning Commission approved the extension of the approval for Case Number 2005-20 as recommended by staff.

D. Case 2006-04 Time Extension Request. Location: 10161 Bolsa Avenue (Assessor's Parcel Number 099-554-23). The applicant is requesting a six-month time limit extension for a conditional use permit.

STAFF RECOMMENDATION: That the Planning Commission approve a six-month time limit extension for a conditional use permit designated as Case No. 2006-04.

Mr. Bashmakian indicated that the Planning Commission approved the conditional use permit last March 15, 2006. To prevent the permit from becoming void, the applicant requested a time limit extension due to financial constraints. Mr. Bashmakian supports the request since the use and the pertinent sections in the Code remain the same.

The applicant Mr. Tung Hoang of 10161 Bolsa Avenue was allowed to speak. He requested the Commission to grant his request.

Motion On motion of Commissioner Contreras, seconded by Commissioner Kirppner, and carried 4-0-1, Commissioner Lam absent, the Planning Commission approved a six-month time limit extension for a conditional use permit designated as Case No. 2006-04.

Public Hearing A. Case 2007-02 Conditional Use Permit (Continued from 4/18/2007).
Location: 15430 Brookhurst Street (Assessor's Parcel Numbers 108-553-25). Cajun Corner. The applicant is requesting an "On-sale" (Type 41) alcohol license to allow sale and consumption of beer and wine in conjunction with food service at an existing 1,650-square foot restaurant (Cajun Corner) within an established commercial center.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2007-02 based on the findings and conditions found in the proposed resolution.

Mr. Bashmakian stated that this item was continued from the last meeting due to the applicant's numerous health code violations. Because the problems continue, staff is recommending continuance of Case No. 2007-02 to an unspecified date to allow the applicant to comply with all applicable health and building codes.

Motion

On motion of Chairman Turro, seconded by Commissioner Chow, and carried 4-0-1 Commissioner Lam absent, the Planning Commission continued the item to an unspecified date so that the applicant could address the health and building code violations.

B. Case 2006-50 Tentative Parcel Map, Site Plan, Design Review
Location: 7781 14th Street (Assessor's Parcel Numbers 096-341-13). The applicant seeks approval to demolish an existing single-family residence and develop three, two-story condominium units on an 11,475-square foot lot.

STAFF RECOMMENDATION: That the planning Commission approve Case Number 2006-50 based on the conditions found in the proposed resolution.

Mr. Michael Patterson made a brief presentation on the applicant's request to demolish an existing single-family residence and develop three, two-story condominium units on a rectangular-shaped lot. Based on staff analysis and findings, Mr. Patterson recommended that the Commission approve Case Number 2006-50 subject to the conditions found in the proposed resolution.

The public hearing was opened.

Speaking in favor was the applicant, Mr. Bon Hoang of 401 Marion Boulevard, Fullerton. Mr. Hoang requested the Commission to support the project without Condition No. 5a which requires

redesigning the front elevation. He stated that the architectural pop-out above the front porches enhances the design. He stated that the pop-out is not a living area.

Ms. Kathryn Rizzi, a tenant in the apartment complex, neither spoke for nor opposed the proposal. However, she wanted to get an update on the progress of the project. Mr. Bashmakian responded that he will provide his business card to Ms. Rizzi and take her contact information to update her if this matter is called up by City Council.

The property owner, Mr. Tam Nguyen of 8901 Blackheath Circle, stated that he would notify Ms. Rizzi if the project is approved, provide her sufficient time to relocate, and offer her to buy a condominium.

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

Commissioner Chow liked the applicant's design as the front porch gives some depth to the building.

Commissioner Krippner indicated that it is a good land use and the Commission did not have the right to redesign the property.

Mr. Bashmakian explained that the pop-out design does not comply with the City's code and design standards which require that porches project no further than 5-feet to the front yard setback. Furthermore, Mr. Bashmakian stated that a porch is not a two-story element.

Mr. Bettenhausen clarified that if the Commission assumes the pop-out design does not comply with code and could not be approved, the applicant can apply for a variance. However, there is no guarantee that the variance can be approved even if the applicant applies for one. Mr. Bashmakian concurred.

Motion

Commissioner Krippner moved that the Planning Commission approve Case Number 2006-50 based on the conditions found in the proposed resolution. Chairman Turro seconded.

The motion carried 4-0-1, Commissioner Lam absent.

- C. Case 2007-19 Zone Text Amendment. Location: Citywide (Assessor's Parcel Number 142-042-91). City initiated code amendment to delete a code provision that currently allows outdoor

display of three or less items of merchandise, in conjunction with a commercial business.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2007-19, recommending that the City Council adopt Ordinance 2415, deleting provisions of Chapter 17.22.010 (E) (C1 Local Business District) of the Westminster Municipal Code (WMC), pertaining to the outdoor display of three items or less of merchandise in conjunction with a commercial business.

Mr. Ratkay indicated that the proposed amendment pertains to outdoor display of three items or less of merchandise in conjunction with a commercial business, specifically Chapter 17.22.010E. In enforcing this code, staff had encountered problems concerning placement of merchandise and the meaning of the term “three items”. As a result, Mr. Ratkay stated that staff believed it would benefit the community by eliminating the allowance for the display of three items of merchandise while still allowing businesses to conduct outdoor sales.

The public hearing was opened.

No one spoke for nor against the proposal and the public hearing was closed.

Motion

Commissioner Contreras moved that the Planning Commission adopt Resolution 2007-19, recommending that the City Council adopt Ordinance 2415, deleting provisions of Chapter 17.22.010 (E) (C1 Local Business District) of the Westminster Municipal Code (WMC), pertaining to the outdoor display of three items or less of merchandise in conjunction with a commercial business. Commissioner Chow seconded and the motion carried 4-0-1, Commissioner Lam absent.

Administrative Approvals

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

Items and Comments From the Planning Commission Comments:

Despite his previous complaints, Chairman Turro reported that palm fronds are still scattered in front of his house.

Planning Manager Mr. Bashmakian thanked staff for their presentation. He reminded the Commission that the next Planning Commission meeting is scheduled on Thursday, May 24, at 6:30 p.m.

City Attorney None

**Reporting on
AB 1234** None

Adjournment The meeting was adjourned at 8:20 p.m. to the Planning Commission meeting of May 24, 2007.

Respectfully submitted,

MARIA MOYA
Department Secretary