

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
May 2, 2007
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, May 2, 2007 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Krippner, Chow, Contreras, Lam, Turro
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Fenn Moun, Planning Technician; 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 Krippner.
- Approval of Minutes** The minutes of the regular meetings of April 4 and April 18, 2007 were approved on motion of Commissioner Contreras, seconded by Commissioner Krippner and carried 5-0.
- Oral Communications** Boy Scout Noah Grove of 15610 Canna Way, spoke about the inconsistencies of the Planning Commission meeting schedule in the Westminster website, noting that under "Elected Officials", it showed 2nd and 4th Wednesdays of the month whereas under "Calendars", it showed 1st and 3rd Wednesdays of the month. Mr. Art Bashmakian thanked Noah and assured him that staff will check the website and make any corrections if necessary.
- Written Communications** None
- Public Hearing** A. Case 2005-62 Variance, Conditional Use Permit, Site Plan, Design Review. Location: Private Utility Easement, west of Hoover Street, and between Trask Avenue and 22 (Garden Grove) Freeway (Assessor's Parcel Numbers 096-455-02 & 096-465-24).

The applicant is requesting a variance, conditional use permit, site plan and design review to allow the construction of a single story and self storage facility.

STAFF RECOMMENDATION: That the Planning Commission:

- 1) Adopt Resolution 2005-62 (A) adopting the Mitigated Negative Declaration pertaining to Case 2005-62; and
- 2) Adopt Resolution 2005-62 (B) approving Case No. 2005-62, including conditions of approval to: eliminate all storage units abutting the single family homes to the west, providing a 20-foot setback from the west property line and restricting access within the 20-foot setback, providing a landscape buffer along the west property line requiring a redesign of the west building elevations to reflect the exterior design of the adjacent homes and requiring a roof redesign of each storage structure to resemble the roof design of adjacent homes, based on the findings and conditions found in the Resolution number 2005-62 (B).

Mr. Steve Ratkay indicated that this was a request to allow the construction of a single-story self storage facility in a private utility easement in the corner of Hoover Avenue and Trash Avenue. He described the project and expressed staff's concern that the proposed layout to the adjacent homes in the west and the removal of the wrought iron fence in the east property line could cause noise and visual impacts to the adjacent residential homes. However, Mr. Ratkay indicated that additional conditions have been imposed to address these concerns. He also mentioned that in addition to the letters provided in the Commission's agenda packet, a letter from a resident, Ms. Betty Hill, was received last Monday and provided to the Commission that evening. Mr. Ratkay summarized staff findings and analysis of the proposal, and based on its study, recommended adoption of the Mitigated Negative Declaration pertaining to Case 2005-62, and approving Case No. 2005-62 subject to the conditions in the draft resolution.

Mr. Art Bashmakian clarified that by redesigning an aesthetically pleasing project and minimizing the noise impact on the surrounding neighborhood makes the storage compatible with the surrounding uses and qualifies as a secondary use which is allowed in a Public Facilities zoning.

The public hearing was opened.

Speaking in favor of the application was the applicant's representative, Mr. Tad Wright, of 1741 17th Street, Tustin. He informed the Commission that they would like to address some items in the staff report which they had just received last Monday. Firstly, Mr. Wright stated that they tried to design the project plan consistent with the neighborhood and maintain a low profile as possible by proposing a one-story building with a low-pitch roof. He stated that a 7-foot wrought iron wall will be installed and covered with vegetation instead of a concrete wall which may encourage graffiti; the proposed buildings will be 30 feet away from the property line; an average of approximately seven people, within a period of 12 hours, are expected to drive into the storage facility; roll up doors will be cushioned at the bottom with teflon coatings along the sides to reduce the noise when the garage door is lowered or raised; every door will be alarmed and monitored by their security company; and every section of the project will be monitored by the security cameras. Mr. Wright stated that they have met and made themselves available to the neighboring residents for questions or concerns. He added that property values will not decrease as there are many other residential sites within the City and directly adjacent to storage facilities whose prices remain the same with the other homes.

Commissioner Krippner commented that the wall would have to be 9 feet high instead of the proposed 7 feet tall, if the elevation along Hoover Street is lower than the project site. Mr. Wright responded that the elevation of the site and Hoover Street is probably the same as he did not recall any grade drop.

Commissioner Lam was concerned about the maintenance along the property line fenced area as it can become a dumping ground. Mr. Wright assured Commissioner Lam that it is their standard procedure to keep their storage sites clean on both sides of the iron fences.

The following spoke in opposition and raised concerns about noise; aesthetics; security; increase in crime such as robbery, rape, and drug trafficking; vagrants and rat infestation; home value decrease; graffiti along Trask Avenue; and increase in traffic and danger to pedestrians: Mr. John Ziegler of 13322 Iowa Street; Mr. Jerry Kelley of 13281 Iowa Street commented that storage sites are compatible in the industrial use areas only and not residential areas, and questioned Mr. Wright's study that an average of 7 people within a twelve-hour period enter the storage site; Ms. Dawn Hyatt of 13212 Iowa Street and Ms. Barbara Homes of 13641 Iowa Street presented a petition signed by 95 residents (provided to the

Commission) which included those who could not attend the meeting that evening; Mr. Michael Verrengia of 13302 Iowa Street; Ms. Terry Doyle of 13382 Iowa Street; Mr. Alejandro Gimenez and Ms. Criselda Gimenez of 1332 Iowa Street, Ms. Kathy Kern of 13372 Iowa Street; Ms. Johanna Mansell of 13422 Iowa Street; and Ms. Gregora Bodenhamer of 13402 Iowa Street.

In rebuttal Mr. Wright stressed safety is a concern. He stated no one can enter and leave the site without having an entry code, records are maintained, security cameras are installed permanently pointing down not reflecting on the rear neighbors, lights on the buildings are also banded directly down, and no one can exit or enter the site after 7 p.m. He indicated that based on their review, traffic on weekends and weekdays remain the same with an average of 3 cars per hour entering and exiting the site.

The public hearing was closed.

Commissioner Contreras indicated that he has a storage unit in Bolsa Avenue and observed that different vehicles come and go into that storage site. He was concerned about possible noise and visual impacts.

Commissioner Chow commented that she would prefer another project instead of a storage facility in the vacant lot as she was concerned with noise and traffic.

Commissioner Krippner felt that the proposed eleven feet setback was not wide enough to shield the noise and visual impacts from the adjacent residential properties no matter how much vegetation is planted. He stated that the plan needs to be redesigned, otherwise, he would vote no.

Chairman Turro concurred with Commissioner Chow that he did not like an empty lot, but expressed concern that the project is adjacent to the many residential homes in. Although he did not agree that drugs and crime were always identical with storage sites, he believed the proposal was in the wrong location.

Commissioner Lam, an advocate against blight, stated that the concerns expressed by the residents are valid and should be considered seriously.

Motion Commissioner Lam moved that the Planning Commission deny Case 2005-62. Commissioner Chow seconded. The motion carried 5-0.

The Planning Commission observed a recess at 8:21 p.m. and reconvened at 8: 35 p.m.

- B. Case 2006-68 Site Plan Review, Design Review, and Variances.
Location: 13751 Edwards Street (Assessor's Parcel Number 203-571-48). Pointe Pacific Apartments. The applicant is proposing the following improvements to the project site: re-design the on-site parking to compact stalls (a variance is required for compact stalls); and add two monument signs at the Edwards Street entrance (a variance is required for a second freestanding sign).

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-68 subject to the conditions stated in the proposed resolution.

Mr. Ratkay made a brief presentation on the applicant's request to convert the apartment site's onsite parking to compact stalls; add two monument signs at the Edwards Street entrance, demolish three of the four existing trash enclosures, and construct three new enclosures and construct new parking lot landscape fingers. He stated that staff supports the request based upon the analysis, the project's compliance with the Code, and the findings and conditions in the draft resolution.

The public hearing was opened and speaking in favor of the application was the architect of the project, Mr. Charles Couey, 22600 Normandie Avenue, Ste. 22, Torrance. He stated that in order to bring the apartment parking in conformance with the code, they are standardizing the parking stalls to all 8-feet wide. This improvement will improve the traffic circulation and parking within the site. He indicated that nine handicapped parking spaces will be installed around the building.

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

The Chairman Turro, Commissioners Chow, Krippner and Lam were pleased with the project as it would improve the area.

Motion On motion of Commissioner Chow, seconded by Commissioner Lam, and carried 5-0, the Planning Commission approved Case No. 2006-68 subject to the conditions stated in the proposed resolution.

C. Case 2006-95 Variance. Location: 15151 Beach Boulevard (Assessor's Parcel Number 142-042-91). Beach City Auto Center. The applicant is requesting a sign variance. According to current sign regulations, a minimum lot width of (101) feet is required to locate one (1) freestanding sign. The variance is requested to maintain an existing pole sign on a lot with (100) lineal feet of street frontage. The existing pole sign is approximately 20 feet high with a sign face that spans 80 square feet. The current pole sign is setback 12 feet from public right of way, whereas 10 feet is the minimum required.

STAFF RECOMMENDATION: That the Planning Commission approve Case No 2006-95 but restrict the freestanding sign to a 6-foot high monument sign subject to the conditions stated in the proposed resolution.

Mr. Fenn Moun described the sign variance request. Based on staff's findings and analysis of the proposal and conditions of approval, Mr. Moun recommended that the Planning Commission approve Case No. 2006-95 and to allow one freestanding sign to be designed as a monument sign in accordance with City Code.

Mr. Bashmakian explained that the Planning Commission previously approved a Conditional Use Permit for auto sales which included a condition that the existing non-conforming sign must be removed unless a variance is filed. He stated that staff supports the variance for the free standing sign but recommends that it should be a monument sign instead of a pole sign.

Commissioner Chow felt it was unfair to require the applicant to install a lower monument sign while other business around it still maintain the tall pole signs. She believed that if the City wants to enforce sign compliance, it should apply to all businesses in the city. Commissioner Lam concurred with Commissioner Chow but stated that it would be difficult to enforce code compliance due to limited staff.

Mr. Bashmakian explained that all freestanding business signs must conform to the City's current sign regulation within two years after its adoption. However, since this regulation has not been fully put into effect, staff is taking every opportunity to enforce it one application at a time as they are received, as in this particular case. Mr. Christian Bettenhausen concurred with Mr. Bashmakian, clarifying that if the Planning Commission approves the proposed sign, the non-conforming sign could not be changed until a new ordinance is adopted. Commissioner Chow suggested that in order

to address this concern, all business owners should be notified and allowed two years to change their non-conforming sign to conforming. Mr. Bashmakian responded that Planning staff is limited to enforce the regulation. He pointed out that in this particular application, staff felt it was sensible to require the monument sign since the applicant is a new business that never had a sign or ever profited from the pole sign.

The public hearing was opened.

Speaking in favor was Mr. Darius Tavoli, applicant, 15151 Beach Boulevard. He indicated that because his property is 70 feet away from the front property line, his business will not be visible without a pole sign like other surrounding businesses. He assured the Commission that once the sign regulation is enforced, he will be the first to take the pole sign down. He stated the pole sign was grandfathered into property site in 1972 when the sign permit was issued, and after the last business in this site closed, they applied for the sign permit within the three months allowed by Code. Mr. Tavoli stated that no complaints were received from residents.

In response to Commissioner Chow that Mr. Tavoli did not obtain a sign permit before he installed the business sign, Mr. Tavoli responded he hired a private individual who was not licensed to install the sign and he personally did not know that he needed a permit to put up the sign.

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

Commissioner Chow stated that she wants to keep the pole sign for visibility but indicated that the sign needs to be modified to make it more attractive. However, she wanted to let the applicant know that if they put up an improved pole sign instead of a monument sign, it can be taken down anytime as soon as the Sign regulation is fully enforced.

Commissioner Krippner was generally in favor of the proposal and he did not have any preference for a pole or a monumental sign.

Chairman Turro stated that monument signs may work well in some locations and some in not. But he did not see anything wrong with the sign, and concurred with Commissioner Chow that it should be modified to make it more attractive.

Motion Commissioner Chow moved that the Planning Commission approve Case No 2006-95 subject to the conditions stated in the proposed resolution with an additional condition that the applicant work with staff to improve the pole sign subject to the Planning Manager's approval. Commissioner Lam seconded.

Mr. Bettenhausen requested Commissioner Chow to specifically clarify if she was approving the sign as recommended by staff, as a 20-foot pole, or smaller. Commissioner Chow stated that she was recommending approving the pole sign that will have to be redesigned subject to the Planning Manager's approval.

Commissioner Lam left the meeting at 9:30 p.m.

Mr. Bashmakian clarified it was necessary to require a time period for the applicant to get approval of the sign. Otherwise, if the applicant does not come back to staff for approval of the sign, the code regulation would have to be enforced on the illegal pole sign.

Motion to Reconsider Commissioner Contreras moved to reconsider the last motion, seconded by Chairman Turro and carried 3-1-1, Commissioner Krippner dissented, Commissioner Lam absent.

Motion Commissioner Chow moved that the Planning Commission approve Case No. 2006-95 subject to the conditions stated in the proposed resolution with an additional condition that the applicant redesign the pole sign plan within 30 days subject to the Planning Manager's approval. Commissioner Contreras 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 Chairman Turro mentioned that if staff or the City Attorney request to speak while the public hearing or discussion is in progress, he would allow them to speak ahead of everyone since they could answer questions immediately and lead the discussion to the right direction.

Comments: Planning Manager Mr. Bashmakian thanked staff for their presentation. He reminded the Commission that the next Planning Commission meeting is scheduled on Monday, May 14, at 5:30 p.m.

Mr. Bashmakian confirmed that Boy Scout Noah Grove's information that the City's website was incorrect as it showed 2nd and 4th Wednesday for Planning Commission meetings. He stated that staff will correct the website information.

City Attorney None

**Reporting on
AB 1234** None

Adjournment The meeting was adjourned at 9:45 p.m. to the Planning Commission meeting of May 14, 2007.

Respectfully submitted,

Maria Moya
Department Secretary