

**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
July 18, 2007
6:30 p.m.**

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, July 18, 2007 called to order in the Westminster Council Chambers at 6:50 p.m. by Chairman Turro.

Roll Call Commissioners present: Chow, Contreras, Krippner, Lam, Turro
Commissioner absent: None

Staff Attendance Art Bashmakian, Planning Manager; Phil Bacerra, Assistant Planners; 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 Lam.

Approval of Minutes The minutes of the regular meeting of June 20, 2007 were approved on motion of Commissioner Krippner, seconded by Commissioner Lam, and carried 4-0. Commissioner Contreras abstained as he was absent in that meeting.

Mr. Art Bashmakian informed the Commission that Public Hearing D - Case 2007-53 Zoning Text Amendment will be continued to the next meeting of August 1, 2007.

Oral Communications None

Written Communications None

Public Hearing A. Case 2007-03 Conditional Use Permit (Continued from June 20, 2007). Location: 9191 Bolsa Avenue, Suite 109-111 (Assessor's Parcel Number 098-303-04). Saigon Billiard Center.

The project involves a request to allow for the operation of a 2,409 square foot billiards center. The subject tenant space will be housed within a space that is a part of a 40,000 square feet commercial/retail center (Asian Village). The space that will house the Saigon Billiard Center was formerly three spaces that consisted of retail uses.

STAFF RECOMMENDATION: That the Planning Commission deny the conditional use permit based on the findings and conditions listed in the draft resolution.

Mr. Phil Bacerra indicated that this item was continued from last meeting of June 20 to allow the applicant to work with the Police Department on issues related to the different types of billiards played, specifically "carom". He mentioned that representatives from the Police Department are present and available to answer questions. Based on staff's findings that the business would have a detrimental affect on public safety, Mr. Bacerra stated that staff is recommending denial of the proposal.

The public hearing was opened and speaking in favor of the application was Mr. Paul Robert of 28562 Oso, Rancho San Margarita, a former media director for the Billiard Congress of America, a national organization for the sports of billiards. He expressed dismayed that carom had been similarly distinguished with other typical billiard games with pockets. He explained that because carom is a slow game and played with a lot of concentration, it appeals to a different constituent and not to gangsters. He pointed out that the billiard facilities in the City of Garden Grove (which the Police Department inspected) played Korean style carom with pool tables to attract young people. However, their proposal includes Vietnamese style carom tables only. He stated that the applicant operated a carom billiard center for 20 years without encountering any problems. Mr. Robert stated that Mr. Nguyen wants to reestablish the same respectable sport in Westminster as it was in Vietnam. He pointed out that they would comply with the conditions including limiting operating hours and excluding alcohol. He suggested that the Commission allow a six-month review period or continuance of the proposal to allow Mr. Nguyen to appropriately respond to the Police Department's investigation and recommendation report provided to them only that evening.

The applicant and business owner Mr. Thoi Nguyen of 9828 Winthrop Circle, Fountain Valley, informed the Commission that there had never been a police incident during his business operation from 1981 to 2003. Although retired, his students had asked him to open this billiard center.

Mr. Tung Nguyen of 14142 Deanann Place, stated that since the closure of the carom billiard center in Garden Grove, he had requested Mr. Thoi Nguyen to open another carom center in Westminster as the place provides him a place to play and relax.

Speaking in opposition, Police Department Detective Phuong Pham explained their denial was based on statistics relating to their investigation of four billiard center locations in Garden Grove. Though Korean-owned, the Korean carom is played the same way as the Vietnamese carom in these billiard centers, catering to both young and old Korean and Vietnamese clientele who hang out in the centers. According to Detective Pham, six officers respond every time there is a police call to these locations which takes away a lot of resource from the City. For the safety of the public, Detective Pham recommended denial of the conditional use permit.

Commissioner Lam stated that he personally knows Mr. Nguyen who is very selective with his clients. He pointed out that the Commission should consider each proposal on an individual basis and if there is non-compliance of a granted permit, the Commission reserves the right to revoke that permit anytime.

Commissioner Chow pointed out that the Police Department is not questioning Mr. Nguyen's personal character, but is basing their recommendation on statistics. She and Chairman Turro thanked the Police Department for a very thorough investigative work of the proposal.

Mr. Robert, in rebuttal, recommended shorter hours, no alcohol, and no pool tables for the facility since these factors cause the undesirable people to congregate in the facility. Related to the closing hours, Mr. Bettenhausen clarified that closing hours in the draft resolution is 11 p.m. and Police Department is 10 p.m.

The public hearing was closed.

Because Commissioner Krippner understands the cultural climate enjoyed by certain groups, he indicated that he intends to vote in favor of the proposal subject to a six-month review period.

Chairman Turro stressed that a time limit for review should be set.

Commissioner Chow asked if the other tenants within the center were still opposed to the proposal. Mr. Robert responded that they have provided the Commission a list signed by the tenants in the center who support the proposal after the proposal was explained to them.

Motion

Chairman Turro moved that the Planning Commission approve the conditional use permit based on the findings and conditions listed in the draft resolutions by staff and Police Department and direct staff to come back to the Planning Commission with a final and appropriate resolution including an additional condition that the Planning Commission review the permit six months after the issuance of a business license. Commissioner Lam seconded. The motion carried 4-1, Commissioner Contreras abstained. Commissioner Contreras explained it was difficult to vote fairly based on the Police Department's concerns and the applicant's business.

The Commission observed a recess at 8:25 p.m. and reconvened at 8:40 p.m.

B. Case 2007-10 Tentative Parcel Map, Conditional Use Permit, Variance. Location: 6312 California Street (Assessor's Parcel Number 203-561-07).

The application involves the subdivision of a City-owned, single-family residential lot into two parcels to provide for the installation of a small City operated sodium hypochlorite generation facility on the smaller, rear lot. The proposed parcel which will contain the facility would not meet the minimum lot size requirement for corner lots in the R-1 zone and therefore, requires a variance. A conditional use permit is required for the installation and operation of the sodium hypochlorite equipment at the site.

STAFF RECOMMENDATION: That the Planning Commission approves Case No. 2007-10 based on the findings and conditions as outlined in the draft resolution.

Mr. Bashmakian provided a brief presentation on the proposed subdivision of a residential lot into two parcels to provide for the installation of a small City sodium hypochlorite generation facility. Based on staff findings, staff recommends the Commission approve Case No. 2007-10 based on the findings and conditions as outlined in the draft resolution.

Mr. Scott Miller, Water Superintendent of the City of Westminster, provided a brief explanation of the plant's operation.

The public hearing was opened.

No one spoke in favor.

Speaking in opposition, Mr. Dan Buckley of 6302 California Avenue who lives next to the subject property, expressed the following concerns: fumes may cause some type of odor; location of the exterior lights may be directed to his backyard; property devaluation; potential expansion of the facility; and potential toxic and hazardous material spill could cause high home insurance premiums.

In rebuttal, Mr. Miller stated that the fumes will be odorless; no light proposed except for the minimum light in the building for security purposes; although considered hazardous, City is comfortable with common salt as it is in dry form and it is not toxic; and the City's intent is not to rent but to sell the adjacent house for residential purposes. Mr. Miller added that the City has several similar sites around the city. Regarding the effect on the property values of adjacent homes, Chairman Turro felt it would be hard to predict the effect of the hypochlorite generating plant on the property value because of the market changes.

Mr. Buckley was satisfied with Mr. Miller's response.

The public hearing was closed.

Motion

On motion of Commissioner Chow, seconded by Commissioner Lam, and carried 5-0, the Planning Commission approved Case No. 2007-10 based on the findings and conditions set forth by staff and the Public Works Department outlined in the draft resolution.

- C. Case 2007-24 Master Sign Program and Variance. Location: 5405, 5455, 5555 Garden Grove Boulevard (Assessor's Parcel Numbers 203-103-04, 203-103-05, 203-103-10).

Master Sign Plan for an existing development (Avalon Center) on a 137,431 square foot lot and a *Variance* to allow three signs, ranging in size from 53 square feet to 190 square feet, on three buildings, whereas the Westminster Municipal Code limits the amount of such signs to two if the building faces two streets and limits the size of secondary signs to 26.5 square feet to 90 square feet and a

Variance to construct a 6'3" high monument sign whereas the Westminster Municipal Code limits the height of such signs to 6'.

STAFF RECOMMENDATION: That the Planning Commission approve the master sign plan and to deny the variance based on the findings and conditions as outlined in the draft resolution.

Mr. Bacerra described the Master Sign Plan and sign variance requests. Based on staff's findings and analysis of the proposal and conditions of approval, Mr. Bacerra recommended that the Commission approve the Master Sign Plan and deny the variance based on the findings and conditions outlined in the draft resolution.

The public hearing was opened.

Mr. Scott Frazier and Mr. Peter Wells of CB Richard Ellis Real Estate, 2125 E. Katella, Anaheim, stated that as agents for the new owners of the buildings, their task was to bring business to the City. According to them, three of the buildings have been underperforming (50% vacancy). They stressed freeway identity for the newly painted buildings was necessary to bring in tenants since each of these businesses will bring employees to the Westminster and benefit the community. They stated that placement of the signs will not be cluttered and multiple signs are not unique in several cities. Lastly, Mr. Frazier indicated that the proposed monument sign will strongly identify the tenants.

Ms. Debra Fishburn of Coordinated Sign Systems, 23611 Clearidge Drive, Valencia, clarified that the monument sign is six feet three inches from the landscape base of the monument and there is no sidewalk grade. She stated that they are requesting the monument sign variance to accommodate the name of the center and those of their tenants.

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

Commissioner Chow observed that the 3-inch difference in the monument sign was very minimal, and she expressed her willingness to compromise with the sizes of the signs. However, Commissioner Chow felt that the proposed three signs per building were not acceptable.

Considering the buildings are tall, Commissioner Krippner stated that the proposed signage was necessary to gain visibility and solve the high vacancy rate among the buildings. In addition, he stated that the buildings are in a unique location in the city where

there is no competition with businesses along Beach Boulevard. Commissioner Lam concurred with him.

Commissioner Contreras also concurred with Commissioner Krippner. He stated that he did not even know these buildings were located in the city.

Motion

Commissioner Chow moved that the Planning Commission approve the Master Sign Plan; approve the variance for the monument sign based on the findings and conditions outlined in the draft resolution; and allow only two signs for each building, its location to be determined by the tenant to a maximum size of 117 square feet for the first sign (as proposed by the applicant) and the size of the secondary sign should comply with City Code. Commissioner Contreras seconded.

Commissioner Krippner reiterated it was necessary to allow additional signage to help the applicant get tenants and complete with big businesses.

Mr. Frazier stated that since only two signs will be allowed, he requested that the maximum size allowed by Code apply to the buildings' main sign instead of 117 square feet only.

With approval of the second, Commissioner Chow amended her motion to state that the applicant can amend the size of the buildings' main signs as long as it is within code compliance.

The motion carried 4-1, Commissioner Krippner dissented.

D. Case 2007-52 Zoning Text Amendment. Location: Citywide.

This is a City initiated code amendment to exempt detached, non-habitable accessory structures under 120 square feet from the Land Use Ordinance (Title 17 of the Westminster Municipal code) and supplement existing standards for detached, non-habitable accessory structures greater than 120 square feet within residential districts.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2007-53, recommending that the City Council adopt an ordinance amending Title 17 of the Westminster Municipal Code to provide specific development standards and an exemption for smaller detached accessory structures.

This item was continued to the next meeting of August 1, 2007.

Reports	A. None
Administrative Approvals	<p>The Planning Commission received notification that the following Administrative Approval item was reviewed by the Planning Manager.</p> <p>A. <u>Case 2007-17 Administrative Adjustment.</u> Location: 7791 22nd Street (Assessor's Parcel Numbers 096-304-11)</p> <p>The applicant requested an 8-foot, 10-inch encroachment into the required 20-foot rear yard setback in order to accommodate a 452 square-foot dining room and office that was added to an existing single family dwelling.</p> <p>STAFF DECISION: The application is denied for an 8 foot, 10 inch encroachment into the rear yard setback.</p> <p>The Commission received and filed Case 2007-17 Administrative Adjustment.</p>
Items from the Planning Commission Comments	<p>Commissioner Contreras mentioned that he received a letter from an apartment owner who had issues related to City code width requirements for a driveway of a condominium and an apartment complex. Chairman Turro recommended this issue be referred to staff. Mr. Bashmakian confirmed he knew the apartment owner and was familiar with his concern as to whether that specific City code should apply only to condominiums and not apartments. Last year, City Council made a determination the code should apply to apartments and condominiums.</p>
Planning Commissioner	None
Planning Manager	None
City Attorney	None
Reporting on AB 1234	None
Adjournment	The meeting was adjourned at 10:37 p.m. to the Planning Commission meeting of August 1, 2007 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Department Secretary