

**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
August 1, 2007
6:30 p.m.**

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, August 1, 2007 called to order in the Westminster Council Chambers at 6:45 p.m. by Chairman Turro.

Roll Call Commissioners present: Chow, Lam, Turro
Commissioner absent: Krippner

Chairman Turro mentioned that Commissioner Contreras has resigned from the Commission.

Staff Attendance Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Maria Moya, Department Secretary; and Tom Duarte, Deputy City Attorney

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 meeting of July 18, 2007 were approved on motion of Commissioner Lam, seconded by Chairman Turro, and carried 3-0-1. Commissioner Krippner absent.

Oral Communications None

Written Communications Mr. Art Bashmakian mentioned that a letter (copies provided to the Commission) was received that day which relates to VII. Reports, Case 2007-03 of the agenda that will be considered by the Commission that evening.

Public Hearing A. Case 2007-53 Zone Text Amendment (Continued from July 18, 2007). 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 for accessory structures and an exemption for smaller detached accessory structures.

Since the Code is not clear regarding the setback and the maximum size for accessory structures, Mr. Bashmakian indicated that staff initiated changes to the code as proposed to the Commission. He informed the Commission that a supplemental sheet was provided so that the Commission can trace the proposed changes in the current code sections easily. After a brief presentation on staff's proposed changes, Mr. Bashmakian recommended 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 for accessory structures and an exemption for smaller detached accessory structures. However, he stressed that the Commission, at its discretion, could add or exclude other changes to staff's recommendation as they choose to do so.

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

Concerning the maximum size of detached accessory structures, Chairman Turro indicated he preferred increasing the height of the accessory structure from 6 feet to 7 feet exemption to accommodate a taller generation. Commissioner Chow concurred as most of storage sheds are over seven feet.

Mr. Bashmakian discussed the three-foot rear setback and the less than three feet setback options for accessory structures. In any case, he pointed out that instead of the Code required 300-foot radius notification, staff proposes that only the immediate adjacent neighbors subject to the encroachment will be notified.

As Chairman Turro was inclined towards the option of allowing less than three feet rear setback to include a recorded easement agreement between property owners (as Mr. Tom Duarte had suggested), Mr. Duarte clarified that the recorded easement agreement will only be limited to the access notification and would

not concern the properties. However, Commissioner Chow disagreed noting that the City should not be involved with the owners' property rights because she felt the access issue should be left to the property owners to decide among themselves. She added that this concern should be addressed at the time when the owners purchase the property. Commissioner Lam concurred with Commissioner Chow.

Whether the rear setback is three feet or less from adjacent property line (through a variance request), Mr. Bashmakian reiterated that staff's recommendation is to limit the notification only to the immediate adjacent neighbors subject to the encroachment instead of the Code's notification requirement within the 300 foot radius.

Motion

Chairman Turro moved that the Planning Commission recommend that the City Council adopt an ordinance amending Title 17 of the Westminster Municipal Code to provide specific development standards for accessory structures and an exemption for smaller detached accessory structures including the following amendment to revise the maximum height for accessory structure from proposed six feet to seven feet. Commissioner Chow seconded and the motion carried 3-1, Commissioner Krippner absent.

Reports

- A. Case 2007-03 Conditional Use Permit. Location: 9191 Bolsa Avenue (Assessor's Parcel Numbers 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.

The Planning Commission conducted a public hearing on July 18, 2007 and approved this application. The Planning Commission will consider the resolution along with the conditions of approval that memorializes the action to approve the use.

STAFF RECOMMENDATION: That the Planning Commission adopt the attached draft resolution.

Mr. Bashmakian stated that this case was approved by the Commission in their last meeting of July 18, wherein staff was directed to formulate and return with a new resolution containing the conditions of approval that is clear to all the parties. He clarified that after the applicant passes the six-month review period, the

Commission will hold a public hearing to grant a permanent conditional use permit without the applicant paying the fees.

Mr. Bashmakian mentioned that the applicant submitted a letter requesting to postpone the consideration of the resolution. He clarified that the Commission had already approved this case and a public hearing is no longer necessary. He suggested that the Commission adopt the resolution which the applicant can appeal to the City Council if they choose to do so. Having worked with the applicant and the Police Department regarding the resolution, Mr. Bashmakian felt the applicant is against the six-month review period as stipulated in the resolution and wants a permanent approval of the permit instead. For this reason, another public hearing may be necessary.

In fairness to the applicant, Commissioner Lam stated that the Commission should agree to continue Case No. 2007-03 as requested by the applicant. This would allow the applicant an opportunity to address any concerns in the resolution. However, Mr. Bashmakian explained that if the Commission continues the case, the applicant may request additional items which may require another public hearing. Another public hearing would add financial burden to the public and use more Commission and staff time.

Commissioner Chow felt that if the item is continued, the case will continue to drag as it had been postponed once before. She stated that it would be a wiser decision for the applicant to take the case to the City Council directly if it had any concerns with the resolution. She stated that the Commission had approved the case and the applicant's presence was unnecessary since the Commission is not considering additional facts of the case.

Chairman Turro felt that the applicant is doing a disservice by requesting a postponement. However, if the applicant is requesting it, Chairman Turro was willing to grant the postponement since he was doubtful if anyone would want to change the original resolution.

Motion

Commissioner Lam, seconded by Chairman Turro, moved that the Planning Commission continue Case No. 2007-03 as requested by the applicant to the meeting of August 15. The motion carried 2-1-1, Commissioner Chow dissented, Commissioner Krippner absent.

Administrative Approvals

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

**Items from the
Planning
Commission
Comments** None

**Planning
Commissioner** None

Planning Manager Mr. Bashmakian indicated that the next meeting scheduled on August 15, 2007 will have a heavy agenda.

City Attorney None

**Reporting on
AB 1234** None

Adjournment The meeting was adjourned at 8:12 p.m. to the Planning Commission meeting of August 15, 2007 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Department Secretary