



**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
August 15, 2007
6:30 p.m.**

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, August 15, 2007 called to order in the Westminster Council Chambers at 6:40 p.m. by Chairman Turro.

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

Staff Attendance Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Phil Bacerra and Chris Wong, 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 Mr. Christian Bettenhausen.

Approval of Minutes The minutes of the regular meeting of August 15, 2007 were approved on motion of Chairman Turro, seconded by Commissioner Lam, and carried 2-1-0, Commissioner Krippner abstained as he was not present in the meeting, and Commissioner Chow was absent.

Oral Communications None

Written Communications None

Public Hearing A. Case 2007-11 Site Plan and Design Review
Location: 14411 Edwards Street (AP No. 195-293-14)

The applicant proposes to develop a 12,829 square-foot, single-story industrial warehouse and office building on a 32,836-square-foot lot. The existing vacant house will be demolished to accommodate the project.

STAFF RECOMMENDATION: That the Planning Commission defer the public hearing indefinitely.

Mr. Art Bashmakian recommended that the Planning Commission continue the public hearing of Case 2007-11 to September 5 based on the applicant's request.

Motion

Chairman Turro moved that the Planning Commission continue Case 2007-11 to the meeting of September 5, 2007. Commissioner Lam seconded and the motion carried 3-0-1, Commissioner Chow absent.

B. Case 2007-15 Variance, Conditional Use Permit, Site Plan and Design Review

Location: 7122 Garden Grove Boulevard (AP No. 203-441-01)

The applicant is proposing to demolish an existing 2,530-square-foot single story veterinary hospital and develop a two-story, 6,500-square-foot veterinary hospital with an area to accommodate one refuse receptacle, whereas the code requires an area for two. Therefore, the applicant is requesting a variance to deviate from the required provisions for refuse storage.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2007-15 subject to the conditions stated in the draft resolution and deny the requested variance based upon the findings in the draft resolution.

Mr. Chris Wong made a brief presentation on the proposed expansion to build a two-story veterinary hospital and a variance request to accommodate one refuse receptacle instead of the required code provision for two refuse receptacles. Based on staff findings, staff recommended approval of Case No. 2007-15 and denial of the variance request based on the conditions listed in the draft resolution.

The public hearing was opened and speaking in favor of the application was veterinary architect Mr. Richard Rauh of RFA Architects who indicated that this proposal is intended to replace a technologically obsolete 40-year old veterinary hospital. He stated

that he will comply with the City's code to install two refuse receptacles in the hospital facility. Therefore, the variance request no longer applies.

Dr. Albert Leung of 7122 Garden Grove Boulevard has owned and operated the animal hospital for the last two years. He stated that the expansion of the hospital will bring the building updated to modern standards and provide adequate space for his staff and his clients without increasing the volume of his clientele.

Commissioner Chow arrived at 7:03 p.m.

Dr. Leung indicated that the animal hospital will serve only animals with medical needs and will not function as a day care facility for animals. He stated further that odor will be negligible because dead animals will be put in plastic bags right away, placed in a freezer, and picked up for cremation. Mr. Rauh added that fecal matter, hair, and other treatments will be disposed through a special sewer.

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

Motion

Commissioner Chow moved that the Planning Commission approve Case 2007-15 subject to the conditions stated in the draft resolution including the following amendments: delete Condition No. 14; and modify Condition No. 15d to state that the boarding services may be offered 24-hours a day for medical reasons only. Chairman Turro seconded and motion carried 4-0.

C. Case 2007-42 Tentative Parcel Map, Site Plan, Design Review, and Variance.

Location: 7341 Texas Street (AP No. 096-091-19)

The applicant is proposing to develop two attached two-story single-family dwellings as condominiums (each approximately 2,000 square feet in floor area) on a 6,390-square-foot corner lot. A variance is requested to allow the rear unit to encroach 10 feet into the required 20-foot rear yard setback.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2007-42 subject to the conditions stated in the draft resolution.

Mr. Phil Bacerra made a brief presentation on the applicant's request to develop two-story single-family condominiums and a

variance request to allow a 10-foot rear setback. Based on staff findings, Mr. Bacerra recommended that the Planning Commission approve Case No. 2007-42 subject to the conditions stated in the draft resolution. He mentioned that should the Commission approve the proposal, staff is recommending a minor change in Condition No. 7 of the draft resolution to omit the phrase “prior to issuance of any building permits”.

The public hearing was opened.

Ms. Gloria Reyes, representative for Abrazar (a non-profit organization), 7101 Wyoming Street, stated that this project is compliant with their mission to provide affordable housing for city residents. He introduced Mr. Ed Hoke, the contractor.

Mr. Ed Hoke of 9335 La Amapola, Fountain Valley, was available to answer any questions.

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

Chairman Turro commended Abrazar for providing valuable services to the residents for many years. Commissioner Krippner added that Abrazar is a responsible organization and he is confident that this project will be desirable to the community. Commissioner Lam concurred with Chairman Turro and Commissioner Krippner as Ms. Reyes has served well as Executive Officer for Abrazar.

At the request of the Commission, Ms. Reyes summarized Abrazar’s affordable housing program that has provided 15 affordable housing units to low-income residents for the last ten years. She stated that the 18-month program includes educating applicants regarding home ownership. According to Ms. Reyes, there are currently 167 applicants in the waiting list for these two proposed condominium units.

Motion

Commissioner Lam, seconded by Chairman Turro, moved that the Planning Commission approve Case 2007-42 subject to the conditions stated in the draft resolution including the minor modification in Condition No. 7 to eliminate the phrase, “prior to building permits”. The motion carried 4-0.

Before considering the next public hearing item, Case 2007-68 Zone Text Amendment, Commissioner Lam requested that the Commission address Mr. Bashmakian's recent memo to the Commission.

On motion of Chairman Turro, seconded by Commissioner Chow, and carried 4-0, the Planning Commission moved to take the agenda out of order. Since the matter is not in the agenda, Mr. Bettenhausen advised that only comments will be allowed or it could be agendaized for discussion.

Commissioner Lam commented he disagreed with Mr. Bashmakian's memo that the Commission contact the Planning Manager directly on issues related to Planning. He explained that as appointees of the City Council, the Commission has the prerogative to meet and discuss with any of the Planning staff, applicant, or constituents as long as there is no conflict of interest and is within the framework of legality.

Chairman Turro felt that the Commission should agendaize and defer this matter to the next meeting. The Commission unanimously agreed to agendaize it to the next Planning Commission meeting of September 5.

Mr. Bashmakian clarified that his memo was only a suggestion to the Commission as he felt it would streamline and make the planning process more efficient if the Commissioners contact the Planning Manager instead of calling each individual planner. He stressed, however, that the Commissioners are free to call anyone they please.

Commissioner Lam asked to be excused from the rest of the meeting as he has to attend to an emergency. He left the dais at 8:10 p.m.

D. Case 2007-68 Zone Text Amendment.

Location: Citywide

This is a City initiated code amendment to clarify that the permitted use of all land, buildings, structures or premises shall be in compliance with all federal, state, and local laws and shall not conflict with the Constitution and laws of California or the United States.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2007-68, recommending that the City Council adopt an ordinance prohibiting businesses or uses and the issuance of permits, licenses or approvals in the violation of law.

Mr. Steve Ratkay explained that the proposed ordinance would clarify not only Title 17 but other parts of the Municipal Code which does not specifically address uses or operations in violation of federal, state or local laws. Such clarification will eliminate any

doubt that any uses or operation prohibited by federal, state, or local law are not permitted within the City. Mr. Ratkay indicated that the draft resolution provides findings supporting staff's recommendation that the Commission adopt it and recommending that the City Council adopt an ordinance.

The public hearing was opened. No one spoke for nor against the proposed text amendment. The public hearing was closed.

Motion

On motion of Commissioner Chow, seconded by Commissioner Krippner, and carried 3-0-1, Commissioner Lam absent, the Planning Commission adopted Resolution 2007-68, recommending that the City Council adopt an ordinance prohibiting businesses or uses and the issuance of permits, licenses or approvals in the violation of law.

Reports

A. Case 2007-03 Conditional Use Permit (Continued from 8/1/2007)

Location: 9191 Bolsa Avenue ((north of Bolsa Ave. east of Moran St.))

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. This action was originally scheduled on August 1, 2007 but was voted to be continued to the August 15, 2007 meeting.

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

Case 2007-03 was withdrawn by the applicant. This item was received and filed by the Commission.

Administrative Approvals

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

Items from the Planning Commission None

Comments: Planning Commissioner None

Planning Manager Mr. Bashmakian reiterated that it was never his intent nor does he have the authority to prohibit the Commissioners to call or meet with anybody concerning Planning matters. He stated that his memo did not mention that, but states that the Commissioners may contact him so that he and his staff could work on the planning issue. He stated that this process would expedite and facilitate applicant discussions in order that staff could assist the Commissioners more efficiently.

City Attorney Mr. Bettenhausen commented that when affordable housing projects come before the Commission, it should take into consideration that these projects, though affordable, can be beautiful projects too.

Reporting on AB 1234 None

Adjournment The meeting was adjourned at 8:35 p.m. to the Planning Commission meeting of September 5, 2007 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Department Secretary