



**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 5, 2007
6:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, September 5, 2007 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Chow, Krippner , Tran, Turro
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Fenn Moun, Planning Technician; 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 Commissioner Krippner.
- Mr. Bashmakian updated the Commission that Commissioner Lam is no longer with the Planning Commission as he has accepted the Orange County Planning Commissioner position. A replacement for his position will be considered by the City Council at its meeting on September 12, 2007.
- Approval of Minutes** The minutes of the regular meeting of September 5, 2007 were approved on motion of Chairman Krippner, seconded by Commissioner Chow, and carried 3-0-1, Commissioner Tran abstained as this was his first meeting with the Commission.
- Oral Communications** None
- Written Communications** None

Mr. Bashmakian informed the Commission that staff received three requests for continuance from the applicants of Public Hearing Items C, E, and F. He recommended that the Commission receive testimonies from the public concerning these items but not open the public hearing. A renote of the projects will be done when the dates are selected.

Following staff's advice, Chairman Turro and the Commissioners started with Public Hearing Items B, C, E, and F.

B. Case 2007-17 Appeal of Administrative Adjustment. Location: 791 22nd Street (Assessor's Parcel Number 096-304-11)

Appeal of Planning Manager's denial of a request to encroach 8 feet 10 inches into the 20-foot required rear yard setback.

STAFF RECOMMENDATION: That the Planning Commission note and file the Planning Manager's rescinding of the original denial and the subsequent approval of the Administrative Adjustment.

Mr. Bashmakian explained that since the applicant's denial was rescinded and the permit has been approved, the applicant's appeal is voided. Staff recommended that the Commission receive and file above item.

Motion

On motion of Commissioner Turro, seconded by Commissioner Chow, and carried 4-0, the Commission received and filed Case 2007-17 Appeal of Administrative Adjustment.

C. Case 2007-18 Variance, Conditional Use Permit, Site Plan, Design Review. Location: 7361 Westminster Boulevard - City owned parcel at the northeast corner of Westminster Boulevard and Olive Street (Assessor's Parcel Number 096-094-20)

The applicant is requesting Variances, Conditional Use Permits, Site Plan and Design Review to allow the construction of a single story 1,170 square foot shop structure intended for a variety of automobile related uses.

STAFF RECOMMENDATION: That the Planning Commission adopt resolution 2007-18 and deny Case No. 2007-18 based on the findings found in the draft resolution.

Speaking on behalf of his in-laws who owns the adjacent property to the project site, Mr. Robert Mendez of 2577 Plaza Del Amo No. 715, Torrance, supported staff recommendation. He stated that any proposed plan would not be suitable for this property because it

is too small to construct a quality development and would diminish the value of the surrounding properties. He pointed out that the layout of the proposed plan poses safety concerns to the pedestrians along Olive Sreet.

Speaking for his daughter/applicant, Mr. Charles Ponti of 5091 Berkeley Avenue, stated that the proposed lot has been vacant and an eyesore for 30 years. He stated that the City offered to sell the property to them after failing to sell for three years. He stated that they can develop the project that will help enhance the adjacent car sales business by providing better visibility. He pointed out they did not get any cooperation from the Planning Division and the items in the staff report seem to be incorrect. Since they received staff's written concerns only last Friday, they are appealing to redesign the project and will come back without any variance requests.

Motion

On motion of Chairman Turro, seconded by Commissioner Chow, and carried 4-0, the Commission continued to a later date as requested by the applicant.

E. Case 2007-33 Site Plan. Location: 8622 Edinger Avenue (Assessor's Parcel Numbers 107-921-65 & 107-923-28)

The applicant is requesting City approval of a site plan to allow the establishment of a plant nursery operations center within an existing plant nursery storage facility.

The applicant has requested that this item be continued.

STAFF RECOMMENDATION: That the Planning Commission continue Case No. 2007-33 to a date unspecified in order to give the applicant time to work with surrounding property owners toward resolving concerns related to the nursery operations.

Mr. William Allen of 16082 Walker Circle stated that the two nursery buildings are eyesores, full of rodents, noisy, dirty, and decrease the home values of the surrounding properties.

Ms. Kathy Sakioka of the Sakioka Wholesale Nursery stated that they have operated the nursery for 37 years and it was not their intention to create disturbance in the neighborhood. She indicated that granting continuance of the project would provide them the time to go around the neighborhood, speak with the residents, get their feedbacks, and work with the neighbors so that their concerns can be addressed.

Motion

On motion of Chairman Turro, seconded by Commissioner Krippner, and carried 4-0, the Commission continued Case No. 2007-33 to a date unspecified as requested by the applicant.

**F. Case 2007-44 Conditional Use Permit, Design Review.
Location: 15412 Goldenwest Street (Assessor's Parcel Number 142-401-61)**

Application for a conditional use permit and design review to allow for the sale of beer, wine and distilled spirits for off-site consumption and exterior architectural modifications to an existing commercial building.

The applicant has requested this item be continued.

STAFF RECOMMENDATION: That the Planning Commission continue Case No. 2007-44 to a date unspecified in order to give the applicant time to resolve issues related to the design of a required loading area.

Motion

On motion of Chairman Turro, seconded by Commissioner Chow, and carried 4-0, the Commission continued Case No. 2007-44 to a date unspecified as requested by the applicant.

A. Case 2007-11 Site Plan and Design Review – Level 3 (Continued from 8/15/07). Location: 14411 Edwards Street (Assessor's Parcel Number 195-293-14) The applicant proposes to demolish an existing vacant house and develop a 12,311 square-foot, single-story industrial warehouse building with incidental offices on a 32,836-square-foot-lot.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2007-11 based on the findings stated in the draft resolution.

Mr. Fenn Moun made a brief presentation on the applicant's request to develop a single-story industrial warehouse building. Based on staff findings, staff recommended approval of Case No. 2007-11 based on the findings stated in the draft resolution.

The public hearing was opened.

Speaking on behalf of his clients, Mr. Robert Phan, 17011 Beach Blvd. No. 54, Huntington Beach, stated his clients were agreeable to all of staff's conditions and this project will bring more business to the city. He was available to answer any questions.

Mr. David Ngo of 14411 Edwards Street, Westminster, indicated that he has lived in the City for 25 years and has worked on the project for two years. He requested the Planning Commission to approve the project as it will not only serve Westminster but the whole of Orange County as well.

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

Commissioner Chow informed the Commission that she spoke with Mr. Ngo and she was impressed with his effort to work with the City in modifying the design to comply with code. She mentioned that having visited the project site, she was hopeful it will set a trend to improve the surrounding area.

Commissioner Krippner also visited the project and was very impressed with staff presentation and analysis.

Motion

Commissioner Krippner moved that the Planning Commission approve Case No. 2007-11 based on the findings stated in the draft resolution. Commissioner Chow seconded and the motion carried 4-0.

D. Case 2007-23 General Plan Amendment, Zone Change, Tentative Tract Map, Site Plan, Design Review. Location: 7111 Trask Avenue (Assessor's Parcel Number 096-031-23)

The application involves the subdivision of a 2.56 acre parcel into 43 lots to allow for the development of 38 single-family residential units, a private drive and associated improvements. The lots will range in size from 1,757 square feet to 4,921 square feet and will contain two-story detached units with private backyards and a common open space area adjacent to Trask Avenue. Each unit will contain an enclosed two-car garage and 28 open guest spaces will be provided on-site. The existing church facility will be demolished in order to accommodate the project.

STAFF RECOMMENDATION: That the Planning Commission recommend approval of Case No. 2007-23 based on the findings outlined in the draft resolution and conclusions stated for each portion of the application as expressed within this staff analysis.

Mr. Steve Ratkay provided a brief presentation on the background of the applicant's request to develop the proposed project. He stated that staff supports the request based upon staff's analysis and findings and conditions in the draft resolution, and recommended that the Commission recommend to the City Council approval of Case No. 2007-23 by adoption of the Mitigated

Negative Declaration, General Plan, Amendment, Zone Change, Tentative Tract Map, Site Plan, and Design Review. He pointed out an error on Page 6 of the staff report relating to the floor plan that should state between 1500 s.f. to 1900 s.f. instead of 977 s.f. to 1233 s.f.

Mr. Bashmakian pointed out that the General Plan Amendment and Zone Change (to be approved by City Council) was included with the other entitlements to expedite the approval process. He added that Condition No. 30 of the draft resolution should be removed since staff is working with the applicants for an alternative approach. The purpose of the condition was to protect future developments by keeping lesser zoning density.

The public hearing was opened.

Speaking for the developer, Brandywine Homes, was Ms. Donna Chessen of 3420-3A Calle Azul, Laguna Woods of Brandywine Homes. She commended staff for doing a great job on the project. She stated that Brandywine Homes have created unique infill developments since 1994, and their company's success is based on their architectural diversity and fulfilling the needs of the community around Orange County. She described the entrance of the project development which will include four water features with three different architecture style homes. She stated that they have spoken with the neighbors who support the project. It will be a great addition to the neighborhood.

Also from Brandywine Homes were Mr. Mark Whitehead of 16580 Aston, Irvine, who requested for the Commission's approval and thanked staff for working with them; and Mr. Jim Barisic of 16580 Astone Irvine, who indicated that they are proposing a good project. Mr. Barisic stated the current owners of the property, Westgrove Calvary Church was present.

Mr. Clifford Lacy of 7132 Bestel Avenue indicated he did not oppose the project but needed information regarding the distance of his home to the development.

Mr. Bashmakian explained the project is within the property's boundaries and there is no proposal to go beyond the property lines so there is no effect on the adjacent properties. Mr. Whitehead further explained that there will be a 15-foot setback from the Mr. Lacy's house to the property line. He added that Brandywine will work with the surrounding residents to construct a new concrete wall for no maintenance fee.

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

Commissioner Krippner indicated that he has met with the applicant and he was just concern about the design of the tot lot which is located too close to pedestrians where children could be exposed to potential pedophiles. Ms. Chessen agreed with Commissioner Krippner and explained that the front lot will be enhanced without any playground or barbeque equipment. Commissioner Krippner was satisfied with the proposal but noted that the wall mounted fountain be maintained at all times.

Commissioner Chow also met with the applicant. She liked the design and would recommend to City Council for approval.

Motion

On motion of Commissioner Krippner, seconded by Chairman Turro, the Planning Commission recommended that the City Council approve Case No. 2007-23 based on the findings outlined in the draft resolution and conclusions stated for each portion of the application as expressed within this staff analysis.

Reports

A. Proposed Capital Improvement Projects (Fiscal Year 2007-2008).

A request for the Planning Commission to review the proposed Capital Improvement Projects included in the 2007-2008 City budget and determine if they are consistent with the City's General Plan.

STAFF RECOMMENDATION: That the Planning Commission find that the proposed Capital Improvement Projects are consistent with the Westminster Comprehensive General Plan.

Mr. Jake Ngo of the Public Works Department was available to answer any questions.

Motion

On motion of Chairman Turro, seconded by Commissioner Krippner, and carried 4-0, the Planning Commission found that the proposed Capital Improvement Projects are consistent with the Westminster Comprehensive General Plan.

B. Case 2007-36 Design Review – Level 2. Location: 8341 Westminster Boulevard (Assessor's Parcel Number 097-401-27).

The project involves a request to authorize the construction of a roof-mounted wireless communications facility, placed within an existing clock tower and within the roof well of a two-story medical office building.

STAFF RECOMMENDATION: That the Planning Commission approve the project based on the findings and conditions included in the draft resolution

Mr. Ratkay stated that staff supports the applicant's request for the construction of a roof-mounted wireless communications facility, placed within an existing clock tower and within the roof well of a two-story medical office building. Based on staff findings and conditions included in the draft resolution, he recommended that the Planning Commission approve the project.

Ms. Maree Hoeger of 2923-A Saturn St., Brea was allowed to speak. Representing the applicant, she stated that she agrees with all of staff conditions and was available to answer any questions.

Motion

On motion of Commissioner Chow, seconded by Commissioner Tan, and carried 4-0, the Planning Commission approved the project based on the findings and conditions included in the draft resolution.

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

Commissioner Chow complimented staff for their work on the projects presented in the meeting. She welcomed Commissioner Tran and indicated that she was available to help anytime.

Although Commissioner Contreras will be missed as he has done a good job in the Commission, Commissioner Krippner was happy to have Commissioner Tran fill up his position in the Commission and welcomed him.

Chairman Turro appreciated staff's effort to work with applicant on the Trask project. He also welcomed Commissioner Tran.

Commissioner Tran thanked everyone for the warm welcome. He stated that he is in the process of learning and will appreciate all the help he can get. He stated that being a Commissioner is a good opportunity to serve the City.

Planning Manager Mr. Bashmakian welcomed Commissioner Tran to the Commission and assured him he is always available to assist and answer any questions. He thanked Commissioner Chow for her compliments as he admitted that he could not do all the work without his staff's assistance especially Mr. Ratkay who took on Case 2007-23 (Trask project) as if it was his own project.

City Attorney None

**Reporting on
AB 1234** None

Adjournment The meeting was adjourned at 8:10 p.m. to the Planning Commission meeting of September 19, 2007 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Department Secretary