



PLANNING COMMISSION
Minutes of the Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
October 15, 2008
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, October 15, 2008 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Chow, Krippner, Tran, Turro
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Kelvin Parker, Senior Planner; Alexis Schopp and Steve Ratkay, Associate Planners; Michael Patterson, Assistant Planner; Maria Moya, Administrative Assistant; and Christian Bettenhausen, Deputy City Attorney;
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Bertels.
- Approval of Minutes** The minutes of the special meeting of September 17, 2008 were approved on motion of Commissioner Krippner, seconded by Commissioner Tran, and carried 5-0.
- The minutes of the regular meeting of September 17, 2008 were approved on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0.
- Oral Communications** None
- Written Communications** None
- Public Hearing A.** **Case 2008-19 Conditional Use Permit, Site Plan and Design Review (Continued from 9/17/2008).**
Location: 6491 Maple Avenue (Assessor's Parcel Number 195-292-10)

The application involves a request for a conditional use permit, site plan and design review of a new billboard and pole sign for an existing self storage business (U-Store It).

STAFF RECOMMENDATION: That the Planning Commission deny the conditional use permit, site plan review and design review.

Mr. Art Bashmakian stated that this item was continued from the Planning Commission's meeting of September 17, 2008 at the request of the applicant.

Ms. Alexis Schopp made a brief overview of the proposed project. Based on staff's analysis and findings, Ms. Schopp recommended denial of the proposal.

The public hearing was opened.

Speaking in favor was Ms. Crystal Wadsworth, Executive Director of the Westminster Chamber of Commerce, 14491 Beach Boulevard. She believed the proposed billboard complies with the Sign Ordinance and will not cause blight since it will be by the freeway and not within City's streets. Ms. Wadsworth contended that not only will the proposed billboard bring tax revenue to the City but it will advertise the City as well.

Ms. Sandy McClure, President of the Westminster Chamber of Commerce concurred with Ms. Wadsworth, adding that the applicant is a good standing member of the Chamber and the community.

The applicant, Mr. Jacko Luong of Avant Outdoor Advertising, 12865 Brookhurst Street, Garden Grove passed copies of his agenda to the Commission. Mr. Luong claimed that even after meeting with staff to discuss issues of concern, staff did not change its recommendation. He felt his proposal is in compliance with the City's Sign Ordinance, Caltrans regulations, and the California Business Regulation Code.

Relating to staff concerns, Mr. Luong explained that the billboard light will be vinyl (light is reflected on the face of the billboard) and not LED (light is reflected outward), eliminating distraction. He was willing to shield the ballast so that there will be no spillage of light to neighboring residents and he was willing to plant trees on the nearby residents' backyards to buffer the light coming from the billboard. He stated that the billboard will be 270 feet away from the residents.

Mr. Luong also passed a copy of a resolution to the Commission relating to the billboard at Goldenwest Circle which was approved by the Planning Commission in 2004. Mr. Bashmakian requested staff to make copies of the documents provided by Mr. Luong for the Commission and the public.

Representing U-Store It, Mr. Scott Campbell of 6491 Maple Street stated that they are happy to provide business to the community and support the proposal because it will bring revenue for the business and the City.

Displaying a picture board, Mr. Luong compared the billboard approved in 2004 at Goldenwest Circle with his current proposal, and indicated that they are consistent with one another and comply with the Sign Ordinance.

No one spoke in opposition.

Mr. Bashmakian explained that based on staff assessment, the proposal is not in conformance with the City's criteria. However, if the Planning Commission decide on the contrary, an amendment of the General Plan will be necessary. Mr. Bashmakian further explained that because the applicant provided new information only that evening, staff will not be able to provide a fair assessment right away. He pointed out that staff had requested this information beforehand, but the applicant provided it only at this meeting.

Mr. Luong contended that the picture board is only a visual rendering, and all the specific plans and drawings have already been submitted to staff. Mr. Luong clarified that he learned about staff's findings only four days before the public hearing of September 15. If he had known that his project will be denied, he indicated that he would have brought his project to another city.

In response, Mr. Bashmakian stated that conditional use permits differ on a case to case basis due to the different facts involved. Mr. Bashmakian said that staff communicated the issues and concerns to the applicant when he presented his proposal in December 2007. However, he stated that staff cannot reject Mr. Luong's proposal but can only make recommendations because the Planning Commission will have to make the final determination.

The public hearing was closed.

Commissioner Chow inquired if the applicant was willing to paint the graffiti and deteriorating paint on the side wall of the U-Store It building. Mr. Campbell confirmed that it is being painted at this time.

Commissioner Chow stated that if the applicant is willing to work with staff to modify the size and location with the least impact but give him the maximum exposure, she will support the proposal. She believed that the proposal will not impair the character and integrity as it is surrounded by industrial buildings. Ms. Schopp clarified that the applicant has no intention to relocate the sign.

Commissioner Tran concurred with Commission Chow.

Mr. Bashmakian pointed out if the billboard is approved, it would have to be approved by the Redevelopment Agency since the billboard is located in the City's redevelopment area.

Motion

Chairman Turro moved that the Planning Commission approve the conditional use permit, site plan and design review, subject to the City Council's approval of a general plan amendment for the site to be consistent with the zoning designation and all other conditions reflected on the final resolution to be considered by the Commission at their November 5, 2008, meeting. The Commission's action will be forwarded to the Redevelopment Agency for consideration. Commissioner Bertels seconded.

Chairman Turro reopened the public hearing to allow Mr. Loung to ask if the Planning Commission has the authority to change the General Plan. Chairman Turro responded that the Planning Commission does not have the authority to change the General Plan. The public hearing was closed.

The motion carried 5-0.

B. Case 2008-52 Conditional Use Permit.

Location: 15440 Brookhurst Street (Assessor's Parcel Number 108-553-25)

The applicant is requesting a Conditional Use Permit to modify the current operating hours of an existing restaurant (Citryst) from 11:00am to 10:00pm daily, to 8:00am through 12:00 midnight daily.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit.

Mr. Michael Patterson made the presentation on the applicant's request for a conditional use permit. He recommended the Planning Commission approve the request subject to the conditions in the draft resolution.

Chairman Turro observed there was no bar area except an area for servicing alcohol when he visited the restaurant.

Commissioner Chow mentioned she had frequented the restaurant in the past.

The public hearing was opened and speaking in favor of the proposal was the applicant's designated spokesperson, Mr. Bart Kasperowicz of 600 Anton Blvd. 12th floor, Costa Mesa. He stated that extending the hours of operation will increase sales and employment since they will be serving breakfast, lunch, and provide longer dinner hours. He added that the business has always operated responsibly.

The business owner, Ms. Amanda Nguyen 12591 Getty Street, Garden Grove was in favor of the project.

No one spoke in opposition

Commissioner Chow stated she observed smoking inside the premises and loitering when she visited the restaurant.

The public hearing was closed.

Chairman Turro recommended serving alcohol begin at 10:30 a.m. and stop at 11:30 p.m.

Commissioner Chow was supportive of the extension of hours but did not want the restaurant to turn into a social drinking place. She recommended that alcohol service cease at 10 p.m. Commissioner Krippner felt that 11 p.m. closing time was more appropriate. Commissioner Tran concurred with Commissioner Krippner since he felt two hours before closing time was too long if a full service menu will be served. Chairman Turro was in favor of limiting alcohol service from 10:30 a.m. to 11 p.m.

Motion

Commissioner Chow moved that the Planning Commission approve the conditional use permit subject to the conditions in the draft resolution including the additional condition to start serving alcohol at 10:30 a.m. and cease serving alcohol at 11 p.m. Commissioner Bertels seconded.

Due to the business' close proximity to nearby residents and its loitering issues, Commissioner Chow amended her motion to include a review of the permit in six months by staff. Commissioner Bertels was agreeable to the amendment of the original motion. The motion carried 5-0.

The Commission observed a recess at 8:47 pm and reconvened at 8:54 p.m.

C. 2008-78 General Plan Amendment.

Location: Citywide

Review of the proposed 2008 Housing Element Update.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution No. 2008-78 recommending that the City Council amend the Westminster General Plan by adopting the 2008 Housing Element Update and related Negative Declaration.

Mr. Steve Ratkay made a brief presentation on the proposed 2007 housing element update, recommending its adoption and related Negative Declaration. He mentioned that Mr. Colin Drukker and Ms. Michelle McCrady from the Planning Center, the City's consultants, were available to answer any questions.

The public hearing was opened. No one spoke in favor nor in opposition and the public hearing was closed.

Motion

On motion of Chairman Turro, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission adopted Resolution No. 2008-78 recommending that the City Council amend the Westminster General Plan by adopting the 2008 Housing Element Update and related Negative Declaration.

Reports

A. Case 2007-90 Site Plan and Design Review – Level 2.

Location: 7161 Wyoming Street (Assessor's Parcel Number 096-074-07)

The application involves a site plan and design review of a two-story apartment building on a 7,500 square-foot corner lot consisting of three dwelling units. Each dwelling unit ranges in size from 1,359 to 1,440 square feet and contain three bedrooms, two and a half bathrooms, and a two car garage.

STAFF RECOMMENDATION: That the Planning Commission approve the site plan and design review.

Ms. Schopp presented the applicant's request to develop a new 3-unit apartment building. She indicated that staff supports the request subject to the findings and conditions of approval stated in the draft resolution.

Motion

On motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0, the Planning Commission approve Case 2007-90 Site Plan and Design Review – Level 2 subject to the conditions stated in the draft resolution.

B. Case 2008-77 Site Plan Review.

Location: 200 Westminster Mall (Assessor's Parcel Number 195-373-17)

Site Plan Review to consider the establishment of a farmers' market including arts and crafts to take place on Wednesdays from noon to 5pm in the lower Target parking lot at the Westminster Mall along Bolsa Avenue.

STAFF RECOMMENDATION: That the Planning Commission approve the site plan.

Mr. Kelvin Parker provided a brief overview and analysis of the proposed site plan review as the applicant is proposing to establish a farmers market including arts and crafts on Wednesday afternoon in the lower Target parking lot at the Westminster Mall. Mr. Parker indicated that staff is recommending approval of the site plan based on its findings and analysis.

The Planning Commission allowed Ms. Pam Free of 16381 Forest Hills, Huntington Beach, to speak. Ms. Free indicated that she has been operating the farmers market in Huntington Beach for 15 years and is looking forward to opening one in Westminster.

Ms. Michi Yasutomi Ward of the Orange County Farm Bureau stated that they are excited to sell their produce in Westminster.

Chairman Turro expressed concern about the parking during the holidays. Ms. Rosemary Valdovinos from the City Manager's Office informed the Commission that the farmers market will cease operation from December 10, 2008 to January 7, 2009.

Motion

On motion of Chairman Turro, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approved Case 2008-77 Site Plan Review.

Administrative Adjustments	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 Bertels mentioned that he provided pictures to City Council and Code Enforcement of the property located at 9533 Woodmere Circle that looks like a junkyard. He was upset that the property continues to diminish the values of the homes in the neighborhood and remains a potential fire hazard.
Planning Manager	None
City Attorney	None
Reporting on AB 1234	None
Adjournment	The meeting was adjourned at 9:20 p.m. to the Planning Commission meeting of November 5, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant