



PLANNING COMMISSION
Minutes of the Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
December 17, 2008
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, December 17, 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** Doug Mclsaac, Community Development Director; Art Bashmakian, Planning Manager; Alexis Schopp, Associate Planner; Michael Patterson, Assistant Planner; Maria Moya, Administrative Assistant; Christian Bettenhausen, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Krippner.
- Approval of Minutes** In the minutes of the regular meeting of November 19, 2008, page 4, first paragraph, third line, Commissioner Krippner pointed out the phrase, "...the motion carried 3-1-1...", should have been "...the motion carried 3-0-1.." as he was absent in that meeting. The minutes of the regular meeting of November 19, 2008, were approved as corrected on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0.
- Oral Communication** None
- Written Communications** Mr. Art Bashmakian mentioned that the eight letters in support of Case 2006-56 received by staff will be presented during the public hearing.
- Public Hearing A. Case 2006-56 Conditional Use Permit, Site Plan, and Design Review.**
Location: 7185-7195 Westminster Boulevard (Assessor's Parcel Numbers 096-084-15 and 096-084-27)

A request to establish and operate a pre-owned automobile, truck and recreational vehicle sales, leasing and rental business which will include the construction of a 496 square foot sales building on the subject site.

STAFF RECOMMENDATION: That the Planning Commission deny the Conditional Use Permit, Site Plan, and Design Review.

Mr. Michael Patterson made the presentation on the applicant's request to establish and operate an automobile/truck/recreational vehicle sales on two vacant properties. Based on staff analysis and findings, he recommended that the Planning Commission deny Case No. 2006-56.

Commissioner Krippner mentioned that he met with the representatives of the applicant and visited the property site. Chairman Turro also visited the site and talked to the applicants.

The public hearing was opened and speaking in favor was the applicant's representative, Mr. Greg McCafferty of the Sheldon Group. Addressing staff concerns, Mr. McCafferty explained that the project is a modest use of the property with only 40 percent devoted to vehicle display and the rest allocated to parking and landscaping spaces. He indicated that the building will transform the vacant lot to a viable use which would benefit the City through sales and property taxes revenue. He added that there will be restricted hours of operation; no test driving in residential neighborhoods; and no auto repairs on site. He provided the Commission copies of the building elevation (he pointed out they are willing to refine the building design) and photographs showing the Ponti family's other businesses that are very well maintained. He indicated that the applicant, Mr. Charles Ponti, is always looking for opportunities to acquire and consolidate surrounding properties to build bigger and better developments. Except for a clarification of Condition No. 1, Mr. McCafferty indicated that they were in agreement with all staff conditions.

Mr. Christian Bettenhausen explained that Condition No. 1 addresses the City's concern that if the proposed project is approved but challenged in court by third parties, the City will be duly indemnified for all its litigation fees by the applicant/owner of the proposed project.

The applicant and business owner, Mr. Charles Ponti of 5091 Berkeley Avenue, informed the Commission that he had contacted the owners of the surrounding properties and stated that they are

ready to acquire these properties whenever an opportunity arises. He stated that this proposal is a family business (they own five other properties in the area) and they are committed for a long term. He stated that they will only lease the property to one use at a time and require that the prospective tenant comply with their conditions.

Mr. Arthur Ponti of 5091 Berkeley Avenue, addressed staff concerns. Relating to the interim use and assemblage of the property, he reiterated that they have spoken to surrounding property owners on their intent to consolidate and expand their business. He described the building as well-articulated with three-dimensional features. He believed it will financially serve the community as the proposed use will cater to those who will need vehicles for work. He added that only minor auto work will be done in the site.

Mr. F. E. Harris of 5171 Connell Avenue has lived in Westminster for 45 years and have known the Pontis as good neighbors and good businessmen. He stated that the City will have good use of the vacant land especially during the current difficult economic times.

Ozzie, a resident of 3941 Cherry Street, the property behind the proposed site, wanted to know if there will be a wall separating the proposed business and their property. Mr. McCafferty responded there will be a block wall.

Mr. Charles Ponti further requested clarification of Condition No. 1. Mr. Bettenhausen explained that the condition is for the protection of the City and is limited to the City's approval of the project. When the City gets sued because of the approval of the proposed project, the City will have to defend the project and the applicant/owner would have to indemnify the City for litigation fees. However, Mr. Bettenhausen informed Mr. Ponti that there is a limit of 90 days after approval of the project to file a lawsuit. After that, the statute of limitations will apply.

Jules of 7822 19th Street commented that considering auto/truck business sales demand are low, he expects that even with the approval of the business, the site will remain a blight any way. Chairman Turro stated there is no guarantee about any future sales, but the business may be good for the area.

Commissioner Chow requested Mr. Chet Simmons, Economic Development Specialist, to comment how the proposed project will affect the community.

Mr. Simmons supported staff recommendation for denial based on the analysis of the site that the best use for the land is to assemble the surrounding sites to provide bigger quality development. He stated that the City will work with Mr. Ponti to accomplish this goal. He stated that he had not discussed this matter with owners of the surrounding properties.

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

Commissioner Krippner supported the project as it will be a major improvement in the area.

In order to allow another resident to speak, Commissioner Chow moved that the Planning Commission reopen the public hearing. Commissioner Krippner seconded and the motion carried 4-1, Chairman Turro dissented.

Mr. Julio Rodriguez of 3049 Cherry Street was concerned about his house being blocked off by the property because of vandalism and graffiti activity in the area. He was also concerned that the 104-year old house in the area might be impacted with the construction. Although he appreciated the business coming in the City, Mr. Rodriguez observed that car sales along Westminster Boulevard from Edwards to Newland Avenue are not doing very well.

Mr. McCafferty stated that the construction will not have any impact on the surrounding neighborhood as there will be minimal drilling during construction.

The public hearing was closed.

Chairman Turro concurred with Commissioner Krippner but before approval, he wanted assurance that the applicant will comply with all the conditions including Condition No. 1. Further, he preferred the business conduct their test driving on freeways only, and require that all for-sale vehicles should not be over one ton.

Commissioner Chow felt that rather than have the property stay vacant for years, she would prefer the property be developed in the interim by the Pontis. She believed that the Pontis have good intention to develop quality projects when given the opportunity. She stated that the business will alleviate graffiti and vandalism in

the area as it will provide adequate lighting in the neighborhood. Commissioner Chow, however, recommended limited use of the alley to avoid any disturbance to the neighbors.

Commissioner Tran concurred with Commissioner Chow.

Motion

On motion of Commissioner Krippner, seconded by Chairman Turro, and carried 5-0, the Planning Commission approved Case 2006-56 based on the findings and subject to the conditions listed in the resolution.

Chairman Turro allowed Commissioner Chow to leave the dais and then observed a recess at 8:13 p.m. The Commission reconvened at 8:20 p.m.

B. Case 2008-26 Site Plan and Design Review.

Location: 13920 Beach Boulevard (Assessor's Parcel Number 097-061-21) and 8031 18th Street (Assessor's Parcel Number 097-061-08)

A proposal to construct a new two-story, 4,865 square-foot, 27-foot high office building and façade remodel to an existing one-story office building.

STAFF RECOMMENDATION: That the Planning Commission approve the Site Plan and Design Review.

Ms. Alexis Schopp made a brief overview of the proposed project. Staff supports the applicant's request and recommended that the Planning Commission approve the Site Plan and Design Review based on the conditions listed on the draft resolution.

The public hearing was opened.

The applicant and owner Mr. Lee Colangelo of 3532 Katella Avenue, Los Alamitos, indicated that except for Condition Nos. 20 and 30, he was agreeable with all the conditions imposed by staff. Concerning Condition No. 20, Mr. Colangelo stated that the additional foot code requirement on the landscape overhang would require redesigning the whole building and the parking as well since the plan as designed has very minimal allowance for expansion. Regarding Condition No. 30, Mr. Colangelo requested for clarification if the one year of approval commences upon approval date or plan check process date.

No one spoke in opposition.

Chairman Turro indicated that he visited the proposed site and believed that the project will beautify Beach Boulevard. Commissioner Krippner concurred.

Responding to Mr. Colangelo's concerning Condition No. 30, Mr. Bashmakian explained that the one year approval commences upon application for plan check permit.

The public hearing was closed.

Motion

Commissioner Bertels moved that the Planning Commission approved Case 2008-26 Site Plan and Design Review. Commissioner Tran seconded.

Mr. Bettenhausen reminded the Commission if they wanted to delete Condition No. 20 as requested by the applicant.

Commissioner Bertels, with the approval of the second, amended his motion to approve Case 2008-26 subject to all conditions listed in the resolution except Condition No. 20. The motion carried 4-0-1, Commissioner Chow absent.

Reports

- A. **Case 2007-02 Six Month Review of a previously approved Conditional Use Permit.**
Location: 15430 Brookhurst Street (Assessor's Parcel Number 108-553-25)

Six month review of a Conditional Use Permit (CUP) which was granted by the Planning Commission on October 3, 2007. The CUP established the on sale of beer and wine in conjunction with an existing Restaurant (Cajun Corner).

STAFF RECOMMENDATION: That the Planning Commission receive and file the report.

Motion

On motion of Chairman Turro, seconded by Commissioner Krippner, and carried 4-0-1, Commissioner Chow absent, the Planning Commission received and filed the report.

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 expressed his continued disappointment with the deplorable condition in the Little Saigon Supermarket area at Brookhurst Street and McFadden Avenue.

Chairman Turro wished everyone a Merry Christmas and Happy New Year.

**Planning
Manager**

Mr. Bashmakian reminded the Commission that since the January 7, 2009 has been cancelled, the next Commission meeting is scheduled on January 21, 2009. As there may be different members in the Commission at the next meeting, he took the opportunity to express his gratitude and pleasure to serve the Commission.

City Attorney

None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 9:00 p.m. to the Planning Commission meeting of January 21, 2009 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant