



**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Community Services and Recreation Building**  
**East/West Room**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**February 6, 2008**

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- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, February 6, 2008, called to order in the East/West Room of the Community Services and Recreation Building at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Krippner , Tran, Turro  
Commissioner absent: Chow, Tran
- Staff Attendance** Art Bashmakian, Planning Manager; Kelvin Parker, Senior Planner; Chris Wong, Assistant Planner; Maria Moya, Administrative Assistant; Tom Duarte, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Krippner.
- Approval of Minutes** The minutes of the regular meeting of January 23, 2008 were approved on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 3-0, Commissioners Chow and Tran absent.
- Oral Communications** None
- Written Communications** None

**Public Hearing A. Case 2007-52 Variance.**

**Location: 7781 13<sup>th</sup> Street (Assessor's Parcel Number 096-343-13).**

The applicant is requesting variances from setback and parking standards for a detached accessory structure constructed on the subject site without permits. Approval from the Planning Commission for the above-mentioned variances is required prior to obtaining "after-the fact" permits.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution No. 2007-52 denying Case No. 2007-52.

Mr. Chris Wong made a brief presentation on the proposed application. Based on staff findings and analysis, Mr. Wong recommended denial of Case 2007-52.

Commissioner Chow arrived at 6:38 p.m.

The public hearing was opened and speaking in favor of the proposed application was the property owner and applicant, Mr. Gerald Alstadter of 7781 13<sup>th</sup> Street. He apologized and admitted that it was a bad decision to build the enclosed garage without a permit. However, he explained that he had made several attempts to work with Planning staff prior to building the garage, but did not get a clear clarification of the Code from them. Providing photos of the four-unit building and the garage to the Commission, Mr. Alstadter indicated that the garage is not directly behind the building but only three feet within the corner of the building. He added that since he lives in the end unit, the enclosed garage was mainly for his own use while parking in the dwelling complex has not changed in the last five years. He mentioned a similar case about his neighbor whose second story addition was allowed a five feet setback to the property line, a garage built on property line, and has approximately over 40% of lot coverage. Mr. Alstadter stated he was willing to work with staff to modify the enclosed garage.

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

Chairman Turro expressed concern that unpermitted modifications and constructions are increasing and the City finds out about them only through other circumstances.

Commissioner Chow understood Mr. Alstadter's predicament, but was surprised he did not get a satisfactory answer from staff as she had received many compliments for staff before. She emphasized that the Codes should be followed and not ignored when an applicant does not get cooperation from the City. She concurred with Chairman Turro because she believed this case will set a precedent if the Commission approves the variance requests.

Commissioner Krippner indicated that he will deny the proposal as he could not let anyone slide by City regulations and allow everyone else to follow suit.

Commissioner Bertels concurred with Commissioner Krippner.

Motion

On motion of Commissioner Bertels, seconded by Commissioner Chow, and carried 4-0 (Commissioner Tran absent), the Commission denied Case No. 2007-52 based on the findings listed in the draft resolution.

**B. Case 2007-87 Zoning Text Amendment.**

**Location: Citywide**

This is a City initiated code amendment to amend section 17.05.020 of Title 17 (Land Use Ordinance) of the Westminster Municipal Code to require applicants to post a public hearing notice at the site to which a hearing pertains.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2007-87, recommending that the City Council

adopt an ordinance amending Section 17.05020 of Title 17 (Land Use Ordinance) of the Westminster Municipal Code.

Mr. Art Bashmakian introduced Mr. Kelvin Parker, the new Senior Planner, who would make the presentation of the proposal.

Mr. Parker stated that the current Code does not specify if posting on site is to be executed by staff or applicant. At the present, staff posts notices at the project site and three public locations. The proposed ordinance would require the applicant, instead of staff, to post a public hearing notice on the project sites. Based on staff analysis, Mr. Parker recommended adoption of the draft resolution amending the code to require applicants post a public hearing notice at the site to which the project pertains, and recommended that the City Council adopt an ordinance amending Section 17.05020 of Title 17 (Land Use Ordinance) of the Westminster Municipal Code.

No one spoke for nor against the proposal.

**Motion** On motion of Commissioner Bertels, seconded by Commissioner Chow, and carried 4-0 (Commissioner Tran absent), the Commission adopted Resolution 2007-87, recommending that the City Council adopt an ordinance amending Section 17.05020 of Title 17 (Land Use Ordinance) of the Westminster Municipal Code

**Reports** None

**Administrative Approvals** The Planning Commission received notification that the following Administrative Approval item reviewed by the Planning Manager.

**A. Case 2007-91 Administrative Adjustment.**  
**Location: 6162 Chippewa Drive (Assessor's Parcel Number 203-343-13).**

The Planning Commission received and filed above item.

**Items from the Planning Commission**      None

**Comments: Planning Commissioner**      None

**Planning Manager** Mr. Bashmakian informed the Commission that City Council adopted the interim zoning ordinance for large family day care centers which will be considered by the Planning Commission tentatively next month. In addition, he stated that City Council called up Case 2007-50 (denied by the Commission at its last meeting) and will consider it at their February 27 meeting.

**City Attorney**      None

**Reporting on AB 1234**      None

**Adjournment**      The meeting was adjourned at 7:15 p.m. to the Planning Commission meeting of March 5, 2008 at 6:30 p.m. to be held in the Westminster Council Chambers.

Respectfully submitted,

MARIA MOYA  
Administrative Assistant