



PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
March 19, 2008
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, March 19, 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; Alexis Schopp, Associate Planner; Chris Wong, 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 Chairman Turro.
- Approval of Minutes** The minutes of the regular meeting of March 6, 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 2007-81 Variance, Design Review, and Revocation of a Conditional Use Permit.
Location: 14861 Dillow Street (Assessor's Parcel Number 098-562-04).

This project involves a proposal to co-locate a wireless telecommunications facility on an existing monopole. The proposed antennas will be located above the maximum height limit; therefore, a variance is requested. Additionally, since the existing monopole does not blend into the surrounding environment, its

design will be converted to simulate a palm tree. If the project is approved, the conditional use permit for the existing facility will no longer be required and will, therefore, be revoked.

STAFF RECOMMENDATION: That the Planning Commission approve the variance and design review (Case No. 2007-81) and revoke the existing conditional use permit (Case No. C-856).

Mr. Chris Wong made a brief presentation on the applicant's proposal to co-locate a wireless telecommunications facility on an existing monopole on the same project site where the Planning Commission approved a similar project in the past. Since the work on the approved development did not begin within one year after its approval, the entitlements became null and void and the applicant was required to submit a new proposal. Based on staff findings and analysis of the new proposal, Mr. Wong recommended that the Planning Commission approve the variance and design review (Case No. 2007-81) and revoke the existing conditional use permit (Case No. C-856).

Referring to staff report's Page 1, Background/Project Location section, third sentence, Commissioner Krippner pointed out that the word "boulevard" should be "avenue" since it refers to "Bolsa Avenue", and there is a distinction between a "boulevard" and an "avenue".

Chairman Turro requested clarification of Condition No. 4f on Page 11 of the staff report. Mr. Wong explained that the cables will not be underground but installed close to the ground because the footing of the facility would not allow the cable to be underground. Chairman Turro expressed concern that someone could trip on the cables, however, Mr. Wong explained that the cables will run only a short distance (approximately 3 feet) between the pole and the building.

Commissioner Bertels inquired if the dried palm fronds hanging on the nearby palm trees were required to be trimmed as they could be fire hazards, and when trimmed, would not match the proposed monopalm. Per Code Enforcement advice, Mr. Art Bashmakian confirmed that City code requires that dead palm fronds should be trimmed off from palm trees.

The public hearing was opened.

Speaking in favor of the application was Mr. Jason Kozora, the applicant's representative, of 5912 Bolsa Avenue, Ste. 202,

Huntington Beach. Addressing Chairman Turro's concern regarding someone tripping on the cables, Mr. Kozora indicated that the cable area will not be accessible to the public. Further, Mr. Kozora stated that they will try to match the nearby palm trees in the area although he believed that the proposed monopalm would look more natural with dead fronds.

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

Motion

On motion of Chairman Turro, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approve the variance and design review (Case No. 2007-81) and revoke the existing conditional use permit (Case No. C-856).

B. Case 2007-94 Variance.

Location: 14311 Locust Street (Assessor's Parcel Number 096-161-13)

The proposed project is a request for variances to legalize the unauthorized expansion and division of the rear unit into four dwelling units. The applicant is seeking variances from the following standards: 1) maximum permitted density; 2) minimum floor area; 3) open space; 4) parking enclosure; 5) on-site open parking space; 6) parking configuration; 7) required side yard; and 8) required rear yard.

STAFF RECOMMENDATION: That the Planning Commission deny the variances.

Ms. Alexis Schopp presented the applicant's request for variances to legalize the unpermitted expansion of the subject property. Ms. Schopp stated that staff's findings concluded that approval cannot be made for this project and recommended that the Planning Commission deny the variance requests based on the findings listed in the draft resolution.

Commissioner Krippner pointed out on the staff report, page 2, first line, that "consistency" should be changed to "inconsistencies" as it may mislead readers because the requested variances are listed under the title. Mr. Bashmakian explained that "consistency" is Planning's standard title description which lists the project's outstanding issues that may or may not be consistent with Code. Commissioner Krippner suggested that the title should be changed to "inconsistencies" to avoid misinformation.

The public hearing was opened.

The architect and applicant's representative, Mr. John Korelich of 1556 Flair Encinitas Drive, Encinitas, spoke in favor. He apologized for his client's unpermitted expansion on the subject property and assured the Commission that they are working with staff to correct the situation. Mr. Korelich informed the Commission that each unit already has its own separate postal address. Mr. Bashmakian and Mr. Bettenhausen advised that the unit's individual postal addresses were irrelevant since the unpermitted structure was the issue of consideration for the Commission.

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

Chairman Turro stated that ignorance of the law is not an excuse and he would not allow the addition of four units at the rear building. He planned to deny the variances. Commissioner Krippner also stated that he would deny the project.

Motion

Commissioner Krippner, seconded by Commissioner Chow, and carried 5-0, moved that the Planning Commission deny the variances subject to the conditions stated in the draft resolution.

C. Case 2008-01 Zoning Text Amendment.

Location: Citywide

This is a City initiated code amendment to establish development standards and procedures for large family day care (7-14 children) facilities in the single family residential district.

STAFF RECOMMENDATION: That the Planning Commission adopt resolution 2008-01, recommending that the City Council adopt an ordinance amending Section 17.48.020 of Title 17 (Land Use Ordinance) of the Westminster Municipal Code to establish development standards and procedures for large family day care.

Mr. Kelvin Parker stated that the proposed amendment would establish reasonable regulations allowing the City to maintain control of large family day care single-family home uses and mitigate their effect on single family neighborhood. He indicated that staff recommends adoption of Resolution 2008-01, recommending that the City Council adopt an ordinance amending Section 17.48.020 of Title 17 (Land Use Ordinance) of the Westminster Municipal Code to establish development standards and procedures for large family day care.

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

On page 5, last line of the draft resolution, Commissioner Tran mentioned he was erroneously marked absent. Mr. Parker stated that he would correct the typographical error.

Motion Commissioner Chow moved that the Planning Commission adopt Resolution 2008-01, recommending that the City Council adopt an ordinance amending section 17.48.020 of Title 17 (Land Use Ordinance) of the Westminster Municipal Code to establish development standards and procedures for large family day care. Commissioner Bertels seconded and the motion carried 5-0.

Reports None

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 Providing pictures of 9533 Woodmere Circle, Commissioner Bertels requested staff to inspect the property where he believes an ongoing junk business is operating.

Planning Manager Mr. Bashmakian thanked staff for their presentations.

City Attorney None

Reporting on AB 1234 None

Adjournment The meeting was adjourned at 8:10 p.m. to the Planning Commission meeting of April 2, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant