



PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
May 7, 2008
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, May 7, 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; Chris Wong, Assistant Planner; Fenn Moun, Planning Technician; Maria Moya, Administrative Assistant; Paul Coble, 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 April 16, 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 2008-20 Variance and Code Interpretation.
Location: 9060-9122 Bolsa Avenue (Assessor's Parcel Number 143-601-05)
- The applicant is requesting a variance from the number of parking spaces required for a retail shopping center to accommodate a new bakery tenant with patron seating. Since parking requirements are greater food uses that provide seating, the proposed 1,495-square-foot bakery will increase the required number of parking places to 97, whereas 93 are provided on-site. Therefore, a variance of 4 spaces is requested. In addition, the applicant is requesting the Planning Commission interpret design standards related to can-type signs in the Little Saigon Community Plan Area.

STAFF RECOMMENDATION: That the Planning Commission deny the variance request and make a determination that can-type signs are prohibited sign design type in the Little Saigon community Plan Area.

Mr. Chris Wong made a brief presentation on the applicant's proposal for a variance from parking standards to accommodate a deficit of five parking places. He noted that there are five parking deficiencies instead of four (as stated in the staff report) after staff determined that dimensions on the plans were drawn incorrectly. He mentioned that a letter of opposition to the variance request was received from the tenants at the shopping center. Mr. Wong also presented the applicant's request that the Planning Commission provide a code interpretation to determine if can-type signs are permitted for secondary copy. Based on staff findings and analysis, Mr. Wong recommended that the Planning Commission deny the variance request and make a determination that can-type signs are prohibited sign design type in the Little Saigon Community Plan Area.

The public hearing was opened.

Speaking in favor of the variance request was the applicant and designer of the bakery project, Mr. Bao Dinh of 6951 Fairman Street, Lakewood. He stated that based on his observation of the parking situation in the shopping center for three weeks, from 11 a.m. to 2 p.m., he concluded that customers did not have to wait for available parking as parking spaces remained open. He explained that the peak hours of the bakery will be in the early morning, from 6:30 am. – 9:30 a.m. when other businesses in the center remain closed. He stated that they want to encourage more customers as businesses are slowing down. He acknowledged that the owner of the shopping center has spent a considerable amount to improve the shopping plaza.

The property owner Elizabeth Nguyen of P O Box 350, Huntington Beach indicated that the plaza bakery is one of three food-related business in the shopping center that serve breakfast in a quick manner when the majority of the clients pick up their order and leave. She stated that half of the majority of the businesses in the plaza close at 6 p.m. Ms. Nguyen also mentioned the City of Garden Grove allows parking spaces to a maximum of 20% compact spaces. She added that the property owners are constantly improving the shopping plaza, having invested

approximately \$1 million for its improvement including \$50,000 for parking striping.

Mr. Peter Nguyen of 9251 Jennrich Avenue stated that he recently signed a lease contract with the plaza owners after his observation concluded that Hanoi Plaza was the best and most convenient location and has the best foot traffic and parking for his cellular business. Based on his observation he did not find any parking problem during the weekdays and found reasonable waiting time for parking during the weekends.

Mr. John Musselman of Graphic Art, 2905 W. Warner Avenue, Santa Ana, provided the Commission information on their proposed new signs in Hanoi Plaza. He requested for the Commission's interpretation of the Sign Code, primarily the difference between the primary and secondary signs.

Speaking in opposition, tenants Mr. Phil Tran of 9062 Bolsa Avenue and Mr. Phan Tran of 9122 Bolsa Avenue indicated that their customers complained about parking and traffic problems in the plaza.

In rebuttal, Ms. Nguyen indicated that the photos (depicting parking problems) provided to the Commission by the opposing tenants of Hanoi Plaza were taken during the construction in the plaza. She contended that parking problems was minimal during regular operations in the plaza.

The public hearing was closed.

Commissioner Chow indicated that she visited the site, talked to several tenants, observed that waiting for a parking space did not take too long, and was pleased the shopping plaza owner has initiated to improve the center. Likewise, Commissioner Tran also visited the site and found it easy to find parking.

Commissioner Krippner supported the parking variance because he believed that parking cannot be full at all times and that some accommodations should be made for the good of businesses. However, he indicated that handicapped parking spots are not properly placed as it should be located at the first spot of every entrance of the business. Mr. Coble checked the state's provisions on handicapped locations and because the state offices have already closed, he assured the Commission that he will provide the information in time for the next public hearing.

Mr. Coble advised that if the Planning Commission approves the parking variance, it should be able to make five special unique findings to warrant the approval of the request.

Motions:

Parking Variance

Commissioner Chow, seconded by Chairman Turro moved that the Planning Commission approve the variance request with an additional condition that there will be no more than 12 seats allowed in the seating area.

Based on staff and Commissioners' comments and discussions and the hodge podge of variances in Little Saigon, Commissioner Krippner commented that he will no longer support the parking variance.

The motion carried 3-2, Commissioners Bertels and Krippner dissented. Since the Commission did not support staff recommendation to deny the variance, the final resolution granting the parking variance will be prepared by staff and considered by the Commission on June 4, 2008. The 15-day appeal period will not start until the resolution is adopted and forwarded to the applicant. The appeal period will start on June 6, 2008 if the Commission adopts the resolution on June 4.

Code

Interpretation

On motion of Chairman Turro, seconded by Commissioner Krippner, and carried 5-0, the Planning Commission determined that the sign code is not ambiguous and rejected the applicant's proposed sign design as recommended by staff.

Reports

A. Case 2006-107 Time Extension Request.

Location: 14231 Alta Street (Assessor's Parcel Number 195-171-14)

The application involves a request for a 12-month extension of the previous approval of Case No 2006-107 (Variance).

STAFF RECOMMENDATION: That the Planning Commission approve the 12-month extension.

Mr. Bashmakian stated that the applicant is requesting a time extension of the approval of Case 2006-17 as the applicant has not proceeded with the addition to the main house due to financial hardships.

No one spoke in favor nor in opposition of the application.

Motion

Chairman Turro moved that the Planning Commission approve the 12-month extension recommended by staff. Commissioner Chow seconded and the motion carried 5-0.

B. Case 2008-12 Temporary Site Plan.

Location: 1025 Westminster Mall Road

Involves a request for a temporary sales event in the parking lot area of Westminster Mall for display and sales of rugs and paintings.

STAFF RECOMMENDATION: That the Planning Commission deny the temporary site plan for a temporary sales event in the Westminster Mall parking lot.

Mr. Fenn Moun indicated that the applicant is requesting permission to temporarily hold a sales event in the north parking lot of Westminster Mall for a whole month. He indicated that staff does not support the request based upon the analysis and comments received from applicable City departments and divisions and the findings stated in the draft resolution.

Motion

On motion of Commissioner Bertels, seconded by Chairman Turro, and carried 5-0, the Planning Commission denied the temporary site plan for a temporary sales event in the Westminster Mall parking lot as recommended by staff.

C. Case 2008-35 Design Review – Level 2.

Location: 1025 Westminster Mall Road (Assessor's Parcel Number 195-373-17)

The application involves a design review to modify and redesign three separate entrance areas of Westminster Mall featuring a contemporary architectural style comprising of aluminum-clad canopy and glass façade. The outside entrance areas will also incorporate decorative elements and furnishings of similar style.

STAFF RECOMMENDATION: That the Planning Commission approve the design review.

Mr. Moun provided a brief background and analysis of the design review and in summary, supported the request to redesign the entrances of the Westminster Mall to incorporate contemporary style with new concrete paving.

No one spoke for nor in opposition of the design review request.

Motion Commissioner Bertels moved that the Planning Commission approve the design review. Chairman Turro seconded.

Commissioner Krippner pointed out that since the steel material that will be used for the benches, chairs, and trash receptacles could easily deteriorate, he suggested that a more durable material be used instead. He requested an amendment to the motion to include his suggestion.

Commissioner Bertels left the dais at 9:08 p.m.

Motion Chairman Turro moved that the Planning Commission amend the original motion, seconded by Commissioner Krippner, and carried 4-0-1, Commissioner Bertels absent.

Motion Commission Chow moved that the Planning Commission approve the design review. Commissioner Tran seconded and the motion carried 2-2-1, Chairman Turro and Commissioner Krippner dissented, Commissioner Bertels absent.

Motion Chairman Turro moved that the Planning Commission approve the design review as recommended by staff with the additional condition that the benches, chairs, bollards and trash receptacles are made of durable and quality material. The motion carried 3-1-1, Commissioner Tran dissented, Commissioner Bertels absent.

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 Chow commented that in consideration to the applicants during this difficult financial time, the Commission should take everything into account before making any action. She encouraged the Commissioners to visit the proposed project, review the site before the public hearing take place.

Commissioner Krippner concurred with Commissioner Chow as this would allow reasonable time to exchange ideas or reach a conclusion.

Chairman Turro pointed out that while considering a proposed item, he wants everyone to have a fair chance to make their point within the time limit allotted to them.

Planning Manager None

City Attorney None

**Reporting on
AB 1234** None

Adjournment The meeting was adjourned at 9:30 p.m. to the Planning Commission meeting of June 4, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant