



PLANNING COMMISSION
Minutes of the Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
March 4, 2009
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, March 4, 2009 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Tran.
- Roll Call** Commissioners present: Bertels, Tran, Turro, Vo
Commissioner absent: Ho
- Staff Attendance** Doug Mclsaac, Community Development Director; Art Bashmakian, Planning Manager; Kelvin Parker, Senior Planner; Michael Patterson, Assistant Planner, Fenn Moun, Planning Technician; Christian Bettenhausen, Deputy City Attorney; and Maria Moya, Administrative Assistant
- 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 regular meeting of February 18, 2009 were approved on motion of Chairman Tran, seconded by Commissioner Bertels, and carried 4-1, Commissioner Ho absent.
- Oral Communication** None
- Written Communications** Mr. Art Bashmakian mentioned that an email opposed to Case 2008-29 was received by staff and will be presented during the public hearing.

Commissioner Ho arrived at 6:35 p.m.
- Public Hearing A. Case 2008-29 Variance, Site Plan, and Design Review**
Location: 15471 Brookhurst Street (Assessor Parcel Number 143-051-29)

A request for a Site Plan, Design Review, and a Variance to construct a 1,260 square-foot storage room addition to the rear of an existing food market (Saigon City Marketplace). The variance request is to allow the proposed storage room to be set back 20.5 feet from the rear property line, whereas a 25 foot setback is required by Code.

STAFF RECOMMENDATION: That the Planning Commission deny the request.

Mr. Michael Patterson provided a brief overview on the applicant's proposal to construct an additional 1,260 square foot storage space to the rear of an existing food market. He mentioned that staff received an email from Mr. James Birmingham and two phone calls from property owner opposing the project. Based on staff analysis and findings, he recommended that the Planning Commission deny Case No. 2008-29.

The public hearing was opened and speaking in favor was the applicant/project architect, Mr. Lam Nguyen of 11770 Warner Avenue, Fountain Valley. Mr. Nguyen indicated his client's intent is to comply with Code and correct the illegal screened storage area built by the previous owner of the building. He explained that they will use the same footprint of the current storage area but reduce it by 10 feet in order to provide a 20.5-foot setback for fire access recommended by the Orange County Fire Authority (OCFA). He contended it will be hard to operate the business if the storage is moved to the side of the building (per staff recommendation) as the interior plan of the building is not feasibly designed for that arrangement.

The business owner, Mr. Jayce Yenson of 15471 Brookhurst Street, affirmed his intent to comply with all code requirements. He stated that there is no available space for additional storage inside the market. He informed the Commission that they conduct ongoing training for truck drivers to unload only on the docking area and not in the front of the market. Commissioner Turro suggested that instead of training the drivers, the business should inform the companies the truck drivers work for to direct their drivers to park only on designated areas.

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

Chairman Tran felt that all illegal construction should be removed as he will not support the proposed storage that will follow the original footprint of the illegal storage area.

Commissioner Vo mentioned that he visited the site and observed that noise could be minimized and odor concerns can be addressed by the proposed stucco walls that will enclose the storage facility. He stated that if the applicant is willing to move the storage area toward the north end of the property, there will be more space for fire access at the rear of the property.

Commissioner Turro believed that the proposed storage area should be redesigned, and he will support Planning staff's recommendation.

Commissioner Vo believed there is hardship on the applicant due to lack of space for storage. He was concerned that relocating the storage facility to the side of the building and the loading/unloading zone to rear of the building, can generate potential noise to adjacent residents. He reiterated his support to the proposal if the applicant will redesign the storage facility to provide fire access.

Motion

Commissioner Turro moved that the Planning Commission deny the request and allow the applicant to work with Planning staff concerning issues and concerns. Commissioner Bertels seconded. In order to provide an opportunity for the applicant to reapply, Mr. Bettenhausen suggested the motion be amended to deny the proposal without prejudice. With the approval of the second, Commissioner Turro agreed to amend his motion per Mr. Bettenhausen's advise. The motion carried 3-2, Commissioners Ho and Vo dissented.

B. Case 2008-84 General Plan Amendment, Zone Change, Site Plan, and Design Review
Location: 280 Hospital Circle (Assessor Parcel Number 096-251-17)

An application for a General Plan Amendment, Zone Change, Site Plan and Design Review to construct 36 affordable apartment units, which would include two plan types: a three-bedroom and two-bath floor plan (20-Units total); and a four-bedroom and two-bath floor plan (16-units total). The proposed site development involves redevelopment of the project site, replacing the existing office building with a multiple-family residential apartment building 48 feet 6 inches high. The Applicant is seeking a General Plan Amendment changing the property's land use designation from Commercial – Low Intensity to Residential – High density (15-25 units per acre), and to rezone the property from CR - Commercial Restricted District to R5 – Multiple units District (19-24 units per

acre). As part of the entitlements, the Applicant is also seeking an approximately 35 percent density bonus.

STAFF RECOMMENDATION: That the Planning Commission recommend that the City Council adopt the mitigated negative declaration pertaining to Case No. 2008-84, and approve a General Plan Amendment from Commercial – Low Intensity to Residential – High Density (15 to 25 units per acre), zone change from Restricted Commercial District to R5 Multiple Units District (19-24 units per acre), approve a Site Plan and Development Review to construct 36 affordable apartment units located at 280 Hospital Circle.

Mr. Kelvin Parker presented an overview of the proposed site development involving a General Plan Amendment, zone change, site plan and design review to construct 36 affordable apartment units. Based on staff findings and analysis, Mr. Parker recommended that the Planning Commission recommend that the City Council adopt the mitigated negative declaration and approve a General Plan Amendment from Commercial – Low Intensity to Residential – High Density, zone change from Restricted Commercial District to R5 Multiple Units District, and approve a Site Plan and Development Review to construct 36 affordable apartment units located at 280 Hospital Circle.

The public hearing was opened and speaking in favor was AMCAL's Vice President, Mr. Mario Turner, of 2082 Michelson Drive, Irvine. Mr. Turner presented an overview of AMCAL, a multi-housing company. He indicated that they have worked with staff and have met all of City's development standards to construct a high quality building.

The project architect, Ricky dela Rosa, of Malcolm Architects, 2251 W. 190th Street, Torrance, indicated that they are familiar with the City's preference and requirements as they have previously worked on the City's intergenerational housing project located on 13th Street. Because of that, Mr. dela Rosa was confident they will deliver a quality project.

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

Commissioner Vo stated that he has visited the project site and indicated that the proposal will be a great development for the city.

Commissioner Turro also visited the site and pointed out that affordable housing is needed in the City.

Motion

On motion of Commissioner Turro, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission recommended that the City Council adopt the Mitigated Negative Declaration pertaining to Case No. 2008-84, and approve a General Plan Amendment from Commercial – Low Intensity to Residential – High Density (15 to 25 units per acre), zone change from Restricted Commercial District to R5 Multiple Units District (19-24 units per acre), approve a Site Plan and Development Review to construct 36 affordable apartment units located at 280 Hospital Circle.

The Planning Commission observed a recess at 8:25 p.m. and reconvened at 8:35 p.m.

**C. Case 2008-86 Amendment to existing Conditional Use Permit
Location: 14520 Magnolia Street #A (Assessor Parcel Number
098-391-16)**

An application for an amendment to an existing Conditional Use permit to allow the sale of distilled spirits in conjunction with an existing convenience market (Tri Liquor Store). The market is currently licensed to sell beer and wine.

STAFF RECOMMENDATION: That the Planning Commission deny the Conditional Use Permit.

Mr. Fenn Moun presented the applicant's request for a conditional use permit and recommended its denial subject to staff conditions. He stated that staff received a phone call in support of the proposed use.

The public hearing was opened.

Business owner, Mr. Harold Nguyen of 22 Freeman Lane, Buena Park, spoke in favor. He indicated that ever since he purchased the business in July 2007, there have been no police calls or complaints related to his store. He indicated that the Type 21ABC license will financially help his business and satisfy his clients. Concerning the September 15, 2007 incident, Mr. Nguyen explained that it occurred during the first month of his operation when his employee who has worked in the store for years, sold cigarettes to a minor while he was at the back of the store. He stated that he was surprised because he believed the employee was experienced and dependable.

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

Commissioner Ho suggested that the Planning Commission impose an additional condition to review the permit in the future and report any violation of the license as necessary.

Likewise, Commissioner Vo felt a 6-month review of the permit was necessary. Commissioner Vo was supportive of the proposal since the business is located in a low crime area; the store's only violation was not due to Mr. Nguyen's fault; and anyone could purchase hard liquor from the supermarket nearby.

Commissioner Tran concurred with Commissioner Ho. He did not consider the store's close proximity to the church was a reason to deny since anyone could walk to the other stores nearby to buy liquor.

Mr. Bettenhausen clarified the 6-month review condition would result in a property right for the owner and would require stringent standards for review. He suggested that staff report to the Commission after six months only if there had been adverse impacts to the public. Mr. Bashmakian added that even without the 6-month review condition, Planning staff will bring back the permit to the Commission for revocation or modification, if the property becomes a public nuisance.

Motion On motion of Commissioner Vo, seconded by the Commissioner Ho, and carried 5-0, the Planning Commission amended Conditional Use Permit (C-697) in order to upgrade the existing Type 20 off-sale beer and wine license to a Type 21 off-sale beer, wine and distilled spirits license.

Reports None

Administrative Adjustments None

Items from the Planning Commission None

Comments: Planning Commissioner Commissioner Turro requested Mr. Bashmakian's cell phone number be added in the contact list insert of the agenda packet.

**Planning
Manager**

Mr. Bashmakian informed the Commission that City Council changed its meeting from April 8 to April 1 which will include a joint meeting of the City Council and the Planning Commission before its 7 p.m. regular meeting. Because the meeting falls at the same time with the Planning Commission's regular meeting, he suggested to reschedule the Planning Commission meeting to April 8.

City Attorney

None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 9:15 p.m. to the Planning Commission meeting of March 18, 2009 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant