



PLANNING COMMISSION
Minutes of the Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
July 1, 2009
6:30 p.m.

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, July 1, 2009, called to order in the Westminster Council Chambers at 6:36 p.m. by Chairman Tran.

Roll Call Commissioners present: Bertels, Ho, Tran, Turro
Commissioner absent: Vo

Staff Attendance Douglas Mclsaac, Community Development Director; Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Christopher Wong, Assistant Planner; Fenn Moun, Planning Technician; Shelley Dolney, Administrative Assistant; and Christian Bettenhausen, Deputy City Attorney

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 June 17, 2009 were approved on motion of Commissioner Bertels, seconded by Commissioner Turro, and carried 4-0, Commissioner Vo absent.

Commissioner Turro presented the City of Westminster one-year service pin to Chairman Tran. Chairman Tran thanked the City for the recognition.

Commissioner Vo arrived at 6:40 p.m.

Oral Communication None

Report from the Secretary on Late Communication Items None

**Public Hearing A. Case 2009-27 Conditional Use Permit Amendment (CUP)
Location: 200 Westminster Mall (Assessor's Parcel Number
195-373-11) Target**

An application filed for an amendment to a Conditional Use Permit to authorize the off-sale of distilled spirits in addition to the existing sale of beer and wine at a Target store located at Westminster Mall.

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

Mr. Fenn Moun provided a brief overview of the applicant's proposal amending an existing CUP to allow an ABC Type 21 license. Based on staff analysis and findings, Mr. Moun recommended that the Planning Commission approve the amendment subject to the conditions listed in the draft resolution.

Chairman Tran requested a clarification of Condition No. 10 which requires employees selling alcoholic beverages to be at least 21 years instead of 18 years as mentioned by Mr. Moun. Mr. Art Bashmakian explained that this request was received after the staff report was prepared, and the Police Department did not have any concern. If that was the case, Chairman Bertels indicated that he will not support the proposed amendment.

The public hearing was opened and speaking in favor was the attorney for Target, Ms. Beth Aboulafia of 260 California Street, Ste. 1001, San Francisco. She stated that alcoholic sales is incidental and comprises only one percent of total store sales. She contended that the request was intended to increase the range of products they sell and provide convenience to customers. She stated that the age requirement complies with state law and that the cashiers will be professionally trained. She recognized the presence of Store Manager Mr. Jorge Serrano who was available to answer any questions. Lastly, Ms. Aboulafia mentioned that they are also requesting that the hours of operation be expanded during the Thanksgiving to New Year holidays.

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

Commissioner Turro did not expect any issue or foresee any problems with the request.

Motion

Chairman Tran moved that the Planning Commission approve Case 2009-27 Conditional Use Permit. Before seconding the motion, Commissioner Turro recommended to include the following revisions in the motion: Condition No. 6 – expand the business hours of operation from 6 a.m. – 11 p.m. during Thanksgiving to New Year holidays; and Condition No. 10 - allow employees-on-duty who sells alcoholic beverages to be at least 18 years of age. Chairman Tran agreed to the recommended revisions and Commissioner Turro seconded. The motion carried 4-0-1, Commissioner Bertels abstained.

B. Case 2009-24 Zoning Text Amendment – Artificial Turf
Location: Citywide

Zoning Text Amendment (ZTA) to allow the use of artificial turf, subject to specific minimum performance standards and conditions. As proposed, current code prohibits the use of any artificial plant materials for multi-family residential, commercial, and industrial zones. Current code does not specifically address the use of artificial turf for R-1 (single family) zones. Continued from June 3, 2009.

STAFF RECOMMENDATION: That the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow the use or application of artificial turf subject to specific minimum performance standards and conditions.

Mr. Steve Ratkay indicated that this item was continued from the June 3, 2009 meeting so that additional information on health and environmental concerns could be addressed. After presenting staff analysis and findings on these concerns, Mr. Ratkay stated that impact will be minimal and recommended that the Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow the use or application of artificial turf subject to specific minimum performance standards and conditions. He pointed out that the Commission may decide to include a process in the ordinance to verify compliance such as an honor system or zoning clearance review by staff.

The public hearing was opened and closed as no one wished to speak in favor or in opposition of the zoning text amendment.

Commissioner Ho appreciated staff's additional research work and stressed that residents need to be educated about it. She stated that she wants to see live plants mixed with artificial turf. In response, Mr. Ratkay indicated that it is up to the Commission to determine the percentage of the live plants they want to impose. In order to verify compliance, Commissioner Ho preferred that staff conduct a zoning clearance review.

Chairman Tran and Commissioner Bertels concurred with Commissioner Ho.

However, Commissioner Bertels expressed concern that it will be very difficult for Code Enforcement to monitor every artificial turf installed in the city during its 12-year life period. Mr. Bashmakian responded that the same compliance process for landscaping requirements will apply as artificial turf will be treated like regular landscaping. Mr. Doug McIsaac confirmed it will not be possible for Code Enforcement to regularly monitor every artificial turf but Code Enforcement will respond through the City's complaint system. He stated that the City has standards on the Code to enforce when problems arise.

Commissioner Turro supported the proposal because he felt artificial turf is better than grass when yards are not maintained. He also preferred that staff conduct a zoning clearance review to verify compliance.

Motion

On motion of Commissioner Ho, seconded by Commissioner Turro and carried 5-0, the Commission approved Case Number 2009-24 subject to the additional conditions that at least ten percent of the total landscaped area be planted with live plants; the turf be professionally installed; and the turf must have a warranty of 8-12 years.

C. Case 2009-12 Zoning Text Amendment – Parking Requirements
Location: Citywide

Zoning Text Amendment (ZTA) to section 17.46.040 of the Westminster Municipal Code, which will reduce the amount of parking spaces required for retail food and beverage service businesses offering twelve or fewer seats.

STAFF RECOMMENDATION: That the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending section 17.46.040 of the Westminster Municipal Code to

reduce the amount of parking spaces required for retail food and beverage service businesses offering twelve or fewer seats.

Mr. Christopher Wong presented staff's findings and analysis on the proposed zoning text amendment and recommended that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending section 17.46.040 of the Westminster Municipal Code to reduce the amount of parking spaces required for retail food and beverage service businesses offering twelve or fewer seats.

Commissioner Ho supported the zone text amendment as she has personally encountered tenants from Westminster who move to her retail center in Garden Grove where parking restriction is not as stringent as Westminster. She believed that the zoning text amendment will help the City remain competitive with other cities.

The public hearing was opened and closed as no one wished to speak in favor or in opposition.

Motion Commissioner Turro moved that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending Section 17.46.040 of the Westminster Municipal Code to reduce the amount of parking spaces required for retail food and beverage service businesses offering twelve or fewer seats. Commissioner Berets seconded and the motion carried 5-0.

Reports None

Administrative Adjustments None

Items from the Planning Commission None

Comments: Planning Commissioner None

Planning Manager Mr. Bashmakian thanked staff for their work and presentations.

City Attorney None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 7:55 p.m. to the regular scheduled Planning Commission meeting on Wednesday August 5, 2009, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant