



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**August 19, 2009**  
**6:30 p.m.**

---

**Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, August 19, 2009, called to order in the Westminster Council Chambers at 6:40 p.m. by Chairman Tran.

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

**Staff Attendance** Douglas McIsaac, Community Development Director; Art Bashmakian, Planning Manager; Kelvin Parker, Senior Planner; Steve Ratkay, Associate Planner; Christopher Wong, Assistant Planner; Maria Moya, 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 Vo.

**Approval of Minutes** The minutes of the regular meeting of August 5, 2009 were approved on motion of Commissioner Turro, seconded by Chairman Tran, and carried 3-0, Commissioners Bertels and Ho absent.

Commissioner Ho arrived at 6:41 p.m.

**Oral Communication** None

**Report from the Secretary on Late Communication Items** Mr. Art Bashmakian mentioned that a letter pertaining to Case 2008-76 was received from the applicant (copies were provided to the Commission) requesting the item be continued.

**Public Hearing A. Case 2008-62 Zoning Text Amendment – Mixed use development in commercial land use designations**  
**Location: Citywide**

City initiated General Plan Amendment to facilitate mixed use development in commercial land use designations and code amendment to establish development standards to regulate mixed use projects on commercial properties.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2008-62, recommending that the City Council adopt a Resolution amending the General Plan to facilitate residential development in commercial land use designations and related Negative Declaration. Mr. Parker stated that the ordinance portion was no longer being considered or recommended since the Zoning Code update (Item C) would take care of this.

Mr. Kelvin Parker presented the facts and analysis of the proposal to amend the Land Use Ordinance that would regulate mixed use development on commercial properties. Based on these, he recommended that the Planning Commission adopt a resolution recommending that the City Council adopt the resolution amending the General Plan to facilitate residential development in commercial land use designations and related Negative Declaration

Chairman Tran inquired why the Staff Recommendation in the agenda showed "Resolution 2008-62", but the staff report indicated "Resolution 09-29". In order to maintain records more accurately, Mr. Parker explained that a new numbering system has been adopted by staff to better account for projects and remain consistent with City Clerk files. Thus "Resolution No. 2008-62" in the agenda should be "Resolution No. 09-29". Mr. Bashmakian added that "Case 2008-62" can be included in the Resolution.

Chairman Tran further noted that the agenda for Item B indicated Case 2008-76 but the staff report indicated Case 2008-84 instead. Mr. Parker confirmed staff's typographical error in the staff report.

The public hearing was opened and closed as no one wished to speak neither in favor nor in opposition.

Motion

Commissioner Turro moved that the Planning Commission adopt Resolution 09-29 recommending that the City Council adopt a resolution amending the General Plan to facilitate residential development in commercial land use designations and related Negative Declaration. Commissioner Vo seconded and the motion carried 4-0, Commissioner Bertels absent.

**B. Case 2008-76 Tentative Parcel Map, Site Plan, and Design Review**

**Location: 7200, 7201, 7215, 7231 Westminster Boulevard**

An application for a Tentative Parcel Map (TPM), Site Plan (SP), and Design Review (DR) to construct a 24,375 square feet two story project consisting of 7,875 square feet of first floor commercial retail and 16,500 square feet of second floor residential containing 11 apartment units (seven 3-bedroom units and four 2-bedroom units).

The proposed site development involves redevelopment of the project site, replacing two existing office buildings with a mixed use commercial and residential apartment building. The proposed project is accessible from both Westminster Boulevard and Cherry Street. The project provides a full complement of 60 parking spaces two of which are designated for handicap parking. The proposed structure has an overall building height of 42'-6" along Westminster Boulevard.

STAFF RECOMMENDATION: That the Planning Commission recommend that the City Council adopt the mitigated negative declaration pertaining to Case No. 2008-76 and adopt a resolution to approve a Tentative Parcel Map, Site Plan and Design Review.

Motion

On motion of Commissioner Turro, seconded by Commissioner Ho, the Planning Commission continued Case 2008-76 indefinitely at the request of the applicant. The motion carried 4-0, Commissioner Bertels absent.

**C. Zoning Code Update**

**Location: Citywide**

Review of the proposed zoning code which overhauls the City's current zoning code. The overhaul has reorganized the zoning code, streamlined the development review process, and modified various development standards including the list of uses permitted by right or subject to an administrative or conditional use permits.

STAFF RECOMMENDATION: That the Planning Commission recommend that the Mayor and City Council:

1. Adopt a negative declaration pertaining to the proposed zoning code update;
2. Adopt an ordinance deleting Title 17 (Land Use Ordinance) Chapter 15.40 (Sign Regulations) of the Westminster Municipal

Code; and the City's adopted Design Standards Manual and adopt a new Title 17; and

3. Adopt a resolution adopting a new Design Guidelines Manual.

Mr. Steve Ratkay presented the proposed zoning code update (includes Title 17 of the Westminster Municipal Code and the proposed Design Guidelines Manual) which was recommended for adoption by the Ad Hoc Zoning Committee to City Council on May 26, 2009. After further review by the Planning Commission in a study session last June 26, 2009, two additional uses, namely, "Medical Spa" and "Tutoring Centers" were included in the update. Based on staff findings and analysis, Mr. Ratkay recommended that the Planning Commission recommend that the City Council adopt a negative declaration pertaining to the proposed zoning code update; adopt an ordinance deleting Title 17 (Land Use Ordinance) Chapter 15.40 (Sign Regulations) of the Westminster Municipal Code; and the City's adopted Design Standards Manual and adopt a new Title 17; and adopt a resolution adopting a new Design Guidelines Manual.

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

Commissioner Turro stated that he had worked with staff as a member of the Ad Hoc Zoning Committee for two years and was satisfied with the proposed amendment as it is easy to understand and brings uniformity to the Code.

Commissioner Vo commended staff and the Ad Hoc Zoning Committee for amending the General Plan, making it easier to read and understand.

Motion

Chairman Tran moved that the Planning Commission recommend that the Mayor and City Council:

1. Adopt a negative declaration pertaining to the proposed zoning code update;
2. Adopt an ordinance deleting Title 17 (Land Use Ordinance) Chapter 15.40 (Sign Regulations) of the Westminster Municipal Code; and the City's adopted Design Standards Manual and adopt a new Title 17; and
3. Adopt a resolution adopting a new Design Guidelines Manual.

The motion carried 4-0, Commissioner Bertels absent.

**D. Case 2009-12 Zoning Text Amendment – Restaurant Parking Requirements**

**Location: Citywide**

A proposed 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/or beverage service businesses offering twelve or fewer seats. A similar version of this ZTA was reviewed by the Planning Commission at a prior public hearing; however, the subject ZTA clarifies language that was not previously defined.

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 with the proposed clarification.

Mr. Chris Wong provided a brief background of the proposed zone text amendment clarifying that indoor and outdoor dining areas are counted when determining the number of seats in a retail food and/or beverage service business. He 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 with the proposed clarification.

The public hearing was opened and closed as no one wished to speak neither in favor nor in opposition.

Commissioner Turro made a comment that he prefers the revised language better.

**Motion**

On motion of Commission Vo, seconded by Commissioner Turro, and carried 4-0, the Planning Commission recommended 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 with the proposed clarification.

**Reports**

None

**Administrative Adjustments**      None

**Items from the Planning Commission**      None

**Comments: Planning Commissioner**      Chairman Tran asked staff if it was possible to cancel the September 16 meeting since he will out of the country from September 14-28. Although he cannot confirm at this time, Mr. Bashmakian stated that the Commission can hold a special meeting to accommodate any item that needs to be heard so that an applicant did not have to wait for a long time.

**Planning Manager**      None

**City Attorney**      None

**Reporting on AB 1234**      None

**Adjournment**      The meeting was adjourned at 7:15 p.m. to the regular scheduled Planning Commission meeting on Wednesday, September 2, 2009, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA  
Administrative Assistant