



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
November 17, 2010
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, November 17, 2010, called to order in the City Council Chambers at 6:30 p.m. by Chairman Tran.
- Roll Call** Commissioners present: Bertels, Ho, Vo, Tran, Turro,
Commissioner absent: None
- Staff Attendance** Doug McIsaac, Community Development Director; Art Bashmakian, Planning Manager; Alexis Oropeza, Associate Planner; Christopher Wong, Assistant Planner; and Maria Moya, Administrative Assistant
- 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 October 20, 2010 were approved on motion of Chairman Tran, seconded by Commissioner Vo, and carried 5-0.
- Oral Communications** None
- Report from the Secretary on Late Communications Items** None
- Ex Parte Communications** None
- Public Hearing A.** **Case 2006-78 Tentative Parcel Map and Development Review - Level 2**
Location: 8192 18th Street
(Assessor's Parcel Number 097-063-05)

The applicant seeks approval to develop a new 7,731-square foot residential condominium development consisting of three, two-story, detached units on an 11,050-square foot lot.

STAFF RECOMMENDATION: That the Planning Commission approve the tentative parcel map and development review.

Mr. Chris Wong made a brief overview of the proposed residential condominium development located south of 18th Street and west of Monroe Street. Based on its findings and analysis, staff recommended that the Planning Commission approve the proposed condominium development.

The public hearing was opened.

Speaking in favor was the property owner, Mr. Victor Ho of 14689 Jackson Street, Midway City. He stated that this is the best project they can propose. His architect, Mr. Ben Phan of 11541 Elizabeth Street, Garden Grove, was available to answer any questions.

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

Motion

On motion of Commissioner Vo, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approved Case 2006-78 (Resolution No. 10-032) based on the recommendation and fact findings by staff.

B. Case 2009-72 Variance, Development Review – Level 3, and Administrative Adjustment

**Location: 13800-13822 Manor Drive
(Assessor's Parcel Numbers 096-313-09 and 096-313-10)**

A request to allow the construction of a new three-story, 40-foot tall, office building. The building will consist of two floors of office space (4,141 square feet each) located above a parking garage level (5,827 square feet) on the first floor.

STAFF RECOMMENDATION: That the Planning Commission deny the variance, development review, and administrative adjustment without prejudice.

Ms. Alexis Oropeza provided a brief presentation on the applicant's request to allow the construction of a new three-story, 40-foot tall, office building. Based on staff's findings and analysis, Ms. Oropeza recommended that the Planning Commission deny the proposal.

The public hearing was opened.

Representing Valli Architects, architect of the project, Mr. Ariel Valli of 12 Journey No. 270, Aliso Viejo, presented a slide focusing on the proposal's favorable effects on the city, including before and after photo simulation of the proposed development. He indicated that the project will upgrade the older residential use in the area; increase employment in the city; improve curb, gutter, and sidewalks including Beach Blvd; and remove unsightly billboards.

Mr. Mark Kennard of the same address explained the chart summarizing the justification for code exceptions of the proposed office building specifically parking, setbacks and landscape coverage/screening. He concluded that the differences are not as bad as it appears and contended that there is flexibility within the Code that will allow slight deviations. Mr. Valli added that the shortage in parking could be mitigated by carpooling, ride sharing and staggering the hours of the employees. Mr. Valli continued to address the building design issue. He displayed photos of buildings within the city that have no setback and very massive, very tall and linear, and have no articulation. He contended that their proposed building is comparable to other newer buildings within the city despite minor deviations from the code.

Mr. Dale Washington of 9550 Warner Ave No. 250, Fountain Valley, attorney for the applicant, stated that the City should consider the positive effect on the City's economy as this is a good opportunity for his client to take his thriving business from Fountain Valley to Westminster. According to Mr. Washington, his client is willing to comply with the code by putting the transformer in a vault and provide mature landscaping. He believed that the location of the project is not suited for a storefront business or a huge car lot business similar to neighboring businesses.

The applicant, Mr. Thomas Dao of 9134 Edinger Avenue, Fountain Valley, stated that the office will be busy but parking will not be a problem as his employees and clients will come and go and will not be in the office at the same time. He currently conducts his real estate school via the internet. He confirmed that he is willing to compromise with staff on the project.

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

In complying with the City's landscape requirements, Mr. Valli suggested alternate ways of providing alternative landscaping such as offsite landscaping and vertical landscaping which is allowed in

the Planned Overlay District. Ms. Oropeza responded that code allows landscaping only on private property. Mr. Valli mentioned that diamond-shaped planters could be installed in the area along 19th Street that could also increase landscaping.

Commissioner Vo was inclined to support the project if the applicant was willing to work with staff concerning landscaping and parking. Commissioner Ho concurred with Commissioner Vo.

Chairman Tran liked the project but due to parking and landscaping concerns, he suggested continuing the item to the next meeting so that applicant and staff could work on the issues of concern.

Commissioner Turro liked the building but was still uncertain if the stairwell area should be included in the determination of the number of parking spaces required.

Motion

Commissioner Vo moved that the Planning Commission continue Case 2009-72 to the next Planning Commission meeting. Chairman Tran seconded and the motion carried 5-0.

Mr. Art Bashmakian suggested that the Planning Commission provide a specific date so that a renote will not be necessary. He mentioned that further into the agenda, December 8 was specified as the next possible meeting date. The Commission concurred to meet on that date.

Motion

Commissioner Vo amended his motion to continue Case 2009-72 to the next Planning Commission meeting on December 8, 2010. Chairman seconded and the motion carried 5-0.

C. Case 2010-80 Zoning Text Amendment – Temporary Banners, Pennants, and Flags
Location: Citywide

Zoning Text Amendment (ZTA) to Section 17.330.025 (Temporary Signs) of the Westminster Municipal Code, which will establish a display period for banners separate from pennants and flags and increase the maximum number of days businesses may display banners.

STAFF RECOMMENDATION: That the Planning Commission recommend the Mayor and City Council adopt an ordinance amending Section 17.330.025 (Temporary Signs) of the Westminster Municipal Code to establish a display period for banners separate from pennants and flags and increase the maximum number of days businesses may display banners.

Mr. Wong provided the background and analysis of the proposed zoning text amendment. Based on staff's review, staff found that the extending the display period of banners supports the business community and consistent with the City's economic development goal. He then recommended that the Planning Commission recommend to the City Council to adopt the an ordinance amending Section 17.330.025 (Temporary Signs) of the Westminster Municipal Code to establish a display period for banners separate from pennants and flags and increase the maximum number of days businesses may display banners.

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

Commissioner Bertels expressed his opposition to the proposed ZTA because he felt the City looks bad enough as it is with numerous banners. He stated that this proposal would further worsen the situation as many of these banners are illegal.

Commissioner Turro was also opposed, but supported professional banners with a 30-day maximum limit. He wants to make sure that these banners bring revenue to the City.

Commissioner Vo stated that since other cities have 90 days or more display time, he felt no reason to disapprove the ZTA.

Commissioner Ho supported the extension since she felt that the City can generate revenue from these permits.

Motion

Commissioner Vo moved that the Planning Commission recommend that the City Council approve Case 2010-80 (Resolution 10-033) Zoning Text Amendment (ZTA) to Section 17.330.025 (Temporary Signs) of the Westminster Municipal Code and adopt Ordinance amending Section 17.330.025 (Temporary Signs) of the Westminster Municipal Code to establish a display period for banners separate from pennants and flags and increase the maximum number of days businesses may display banners to 180 days. Commissioner Ho seconded and the motion carried 3-2, Commissioners Bertels and Turro dissented.

**Regular
Business**

**Consideration of rescheduling the regular Planning
Commission meetings of December 1, 2010 and December 15,
2010**

STAFF RECOMMENDATION: That the Planning Commission reschedule the regular Planning Commission meeting dates of December 1, 2010 and December 15, 2010 to regular meeting dates of December 8, 2010 and December 22, 2010.

Mr. Bashmakian mentioned that City Council rescheduled its regular meetings of December 8 and December 22 to Planning Commission's regular meeting dates of December 1 and December 15, respectively. Because of time conflicts, he recommended that the Planning Commission move its meetings to December 8 and December 22 instead. Mr. Bashmakian added that December 22 may be cancelled if there are no items.

Motion

On motion of Chairman Tran, seconded by Commissioner Vo, and carried 5-0, the Planning Commission rescheduled its next regular meetings of December 1, 2010 to December 8, 2010, and December 15 to December 22.

Reports

None

**Administrative
Use Permits
And Adjustments**

None

**Items from the
Planning
Commission**

None

**Comments:
Planning
Commissioners**

None

**Planning
Manager**

None

City Attorney

None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 8 p.m. to the Planning Commission meeting on Wednesday, December 8, 2010, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant