



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
April 20, 2011
6:30 p.m.

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, April 20, 2011, called to order in the City Council Chambers at 6:30 p.m. by Chairman Vo.

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

Staff Attendance Art Bashmakian, Planning Manager; Kelvin Parker, Senior Planner; Michael Patterson, Assistant Planner; Fenn Moun, Planning Technician; and Maria Moya, Administrative Assistant

Salute to the Flag All persons present joined in the Salute to the Flag, conducted by Commissioner Ho.

Approval of Minutes The minutes of the regular meeting of March 16, 2011 were approved on motion of Commissioner Bertels, seconded by Chairman Vo, and carried 4-0, Commissioner Oh absent.

Oral Communications None

Report from the Secretary on Late Communications Items None

Ex Parte Communication None

Public Hearing A. Case 2011-04 Conditional Use Permit
Location: 2075 Westminster Mall
(APN No. 195-373-17) Art Gallery Center

Application for a conditional use permit to allow a tattoo parlor within an existing Art Gallery store inside Westminster Mall.

STAFF RECOMMENDATION: That the Planning Commission Approve the request for a conditional use permit to allow tattooing services, subject to conditions of approval.

Mr. Fenn Moun made a brief overview of the proposed conditional use permit to allow tattooing services. Based on staff analysis and conditions he recommended that the Planning Commission approve the request.

The public hearing was opened.

Commissioner Oh arrived at 6:43 p.m.

Speaking in favor was the applicant, Mr. Todd Rubin of 2075 Westminster Mall. He stated that he has operated the business, Arts Center Gallery, in the mall for 15 years. He was excited to bring something new in the mall including special guest appearances of celebrity tattoo artists.

No one spoke in opposition.

The public hearing was closed.

Mr. Art Bashmakian noted that a letter of opposition from Mr. Conrad Neumann was received by staff and a copy was provided to the Commission in their agenda packets.

Chairman Vo stated he had no reason to reject but approve the proposal and was ready to make a motion. However, Commissioner Ho indicated that she will approve it only with conditions that the business will comply with state, county and city code requirements including all health and safety codes. Mr. Moun clarified that after the Conditional Use Permit process, the business will be required to comply with all code requirements and subjected to periodic inspection for health and safety requirements.

Quoting the second paragraph of Mr. Conrad Neumann's letter of opposition, "...With all due respect to the "Body Art" community, in my opinion, the majority of the clientele of tattoo parlors are not the elite of society. The Westminster Mall already attracts gangs, so why add another element to bring more undesirables to the Mall..." Commissioner Bertels agreed with these statements and stated that the tattoo parlor should be located somewhere else other than the mall.

Commissioner Turro was inclined to agree with Commissioner Bertels. He stated that he had nothing against tattoo parlors (he was in the Planning Commission that approved the tattoo parlor in Garden Grove Blvd.) or the people who patronize them, but expressed concern that the mall should remain a family environment.

Commissioner Ho agreed with Commissioners Bertels and Turro as she considers the area surrounding the mall as a high crime area with many gang issues. She contended that there are other tattoo parlors and she did not see the significance of bringing in celebrity tattoo artists in the mall. She felt that it will only hurt the family environment of the mall instead of improving it so she will oppose the application.

Motion

Commissioner Bertels moved that the Planning Commission deny the Conditional Use Permit to allow tattooing services for Case 2011-04 (Resolution 11-012). Commissioner Turro seconded. The motion carried 3-1-1, Commissioner Oh dissented and Chairman Vo abstained.

B. Case 2009-76 Zoning Text Amendment – Restaurant Parking Standards
Location: Citywide

Zoning Text Amendment (ZTA) to reduce the number of required parking spaces for restaurants located within retail shopping centers.

STAFF RECOMMENDATION: That the Planning Commission recommend the Mayor and City Council adopt an ordinance amending the parking standards for restaurants located within retail centers greater than 30,000 square feet.

Mr. Kelvin Parker made his brief presentation of the proposed zone amendment and recommended that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the parking standards for restaurants located within retail centers greater than 30,000 square feet.

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

Motion

On motion of Commissioner Bertels, seconded by Commissioner Turro, and carried 5-0, the Planning Commission recommended that the Mayor and City Council adopt an ordinance amending the parking standards for restaurants located within retail shopping

centers greater than 30,000 square feet for Case 2009-76 (Resolution No. 11-013).

C. Case 2010-32 Zoning Text Amendment – Expansion of Single Family Residences
Location: Citywide

Zoning Text Amendment (ZTA) to allow limited expansion of single-family dwelling units and duplexes within Commercial Zones or within areas designated as Commercial on the General Plan Land Use Map.

STAFF RECOMMENDATION: That the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the nonconforming use regulations to allow single family dwelling units and duplexes limited expansion within Commercial Zones or within areas designated as Commercial on the General Plan Land Use Map.

Mr. Parker explained that in order to meet families' growing needs, the proposed ZTA will allow limited expansion of single-family dwelling units and duplexes within Commercial Zones or within areas designated as Commercial on the General Plan Land Use Map. He recommended that the Planning Commission adopt the draft Resolution initiating a Zoning Text Amendment.

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

Commissioner Bertels stated that although he recognizes the need of small residential homes to expand, the staff report did not provide an absolute maximum limit for expansion. He was concerned that the proposed ZTA could produce monster mansions. In response, Mr. Parker explained that generally speaking, these types of mansions are built in residential zones under the current zoning code for residential standards. The proposed ZTA would be limited to residential areas whose dwelling units are approximately 900-1,300 sq.ft. with 250-300 sq.ft. expansion.

Commissioner Turro supported the expansion for small homes but like Commissioner Bertels, he was concerned about houses which are 3,000 sq.ft. or more becoming monster mansions or boarding homes. He felt the expansion should be reflected in different percentages dependent upon the square footage of the houses instead of allowing a 20% expansion in general. He suggested that the issue should be further studied by staff.

No comments were received from the public.

Motion

Chairman Vo moved that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the nonconforming use regulations to allow single family dwelling units and duplexes limited expansion within Commercial Zones or within areas designated as Commercial on the General Plan Land Use Map for Case 2011-21 (Resolution No. 11-014).

Mr. Bashmakian asked if the motion included Commissioner Turro's suggestion. Chairman Vo responded it did not.

Commissioner Oh seconded and the motion carried 4-1, Commissioner Turro dissented.

Regular
Business

**A. Case 2011-21 Code interpretation for the Design of a Single Family Residence
Location: 7882 19th Street
(APN No. 096-322-16)**

Interpretation of the meaning or applicability of the Zoning Code to the design of a proposed house remodel.

STAFF RECOMMENDATION: That the Planning Commission determine that the proposed design meets the objectives of the Zoning Ordinance and the General Plan.

OR

Determine that the proposed design does not meet the objectives of the Zoning Ordinance and the General Plan.

Mr. Michael Patterson provided a brief overview of Case 2011-21.

Mr. Bashmakian continued the presentation. Based on Code Sections 17.100.010(D) and 17.400.120, he stated that staff's interpretation of the code sections is to ensure quality design that would enhance character and quality of the neighborhood. Relating to Case 2011-21, Mr. Bashmakian compared the applicant's design to another large home which he displayed for the Planning Commission. In its assessment, staff believes that the proposed design lacked the quality that would enhance the neighborhood. As a result, staff suggested several designs solutions (included photos of other homes) to the property owner that is appropriate and better. However, the owner chose to maintain the proposed design

he felt was attractive and appropriate and agreed to have the Planning Commission review the design. Mr. Bashmakian indicated that it was up to the Commission to determine if the design is appropriate and meets code or determine if the design does not meet the objectives of the ordinance and the General Plan.

Commissioner Bertels commented that with six bedrooms and four-car garages, the design of the house looks too big and more like apartment units.

Commissioner Turro agreed with Commissioner Bertels. He pointed out that building large homes was going out of hand and ending up as apartments.

Chairman Vo advised the Commission to reserve their comments after the applicant have spoken.

The Commission allowed the designer, Mr. Leon Tran of 7882 19th Street, to speak. He stated that he designed a four-car garage due to the limited parking on the streets which are used mostly by the business across the property. He displayed photos of homes approved by the city that have similar designs and with four-car garages. He stated that the owner chose the proposed design and the floor plan for his family (ten members). He indicated that the owner will be willing to paint the house with the color specified by the Commissioners.

In response to Commissioner Ho's question about what was lacking in the proposed design, Mr. Bashmakian responded that in comparison to the large house used as an example of quality design, the design is not cohesive; the roof ridge is not broken into parts; it is disjointed; it has no articulation; it lacked different levels to break the massive look of the house; and a four-car garage is not appropriate for a single family home as it resembles an apartment.

Commissioner Bertels commented that the design is not compatible to the rest of the neighborhood. Chairman Vo pointed out that is not going to be compatible because it is a new construction, but noted that the design enhances the quality of the neighborhood while the City transitions as time progresses.

Commissioner Ho agreed with staff that the design does not have different variations and the flat surface looking into the street is too massive. However, she felt the interior plan is appropriate (home's square footage is only 25% of the 10,000 sq.ft. property) and the four-car garage in the front is reasonable since it provides efficiency

for the residents. She added that although the design is not consistent with the neighborhood (because it is an old neighborhood), it will bring value to the area.

Chairman Vo concurred with Commissioner Ho.

Motion

Chairman Vo moved that the Planning Commission determine that the proposed design meets the objectives of the Zoning Ordinance and the General Plan with the condition that the applicant continue to work with staff to decrease the mass for Case 2011-21 (Resolution No. 11-015). Commissioner Ho seconded and the motion carried 3-2 Commissioners Bertels and Turro dissented.

B. Case 2011-08 Zoning Text Amendment – Restaurant Parking Standards

Location: Citywide

Initiation of Zoning Text Amendment (ZTA) to reduce the number of required parking spaces for retail shopping centers.

STAFF RECOMMENDATION: That the Planning Commission Adopt the attached Resolution initiating a ZTA.

Mr. Parker presented Case No. 2011-08 and recommended initiating a ZTA to reduce the number of required parking spaces for retail shopping centers over 30,000 square feet.

Motion

On motion of Commissioner Bertels, seconded by Chairman Vo, and carried 5-0, the Planning Commission adopted Resolution initiating a ZTA for Case No. 2011-08 (Resolution No. 11-016).

Reports

None

Administrative Use Permits And Adjustments

None

Items from the Planning Commission

None

Comments: Planning

Commissioner Turro requested the clerk to reflect in the minutes the

Commissioners

reason why he voted in approval or in opposition on the items considered. He also clarified that the scheduled photograph

session of the Planning Commission should not suggest that any of the Commissioners are running for any office.

**Planning
Manager** None

City Attorney None

**Reporting on
AB 1234** None

Adjournment The meeting was adjourned at 7:46 p.m. to the Planning Commission meeting on Wednesday, May 4, 2011, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant