



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
June 15, 2011
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, June 15, 2011, called to order in the City Council Chambers at 6:35 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; Chris Wong, Assistant Planner; 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 Turro.
- Approval of Minutes** The minutes of the regular meeting of June 1, 2011 were approved on motion of Commissioner Bertels, seconded by Chairman Vo, and carried 4-0.
- Oral Communications** None
- Report from the Secretary on Late Communications Items** Mr. Art Bashmakian mentioned that there were two late communication items received related to (1) VII. Public Hearing, C. Case 2010-44, Section 17.510.015 - Effective Date of Permits or Entitlements; and (2) VII. Public Hearing, A. Case 2010-29, assessor parcel map and photographs from the applicant. The Planning Commission will discuss these items during the public hearing.
- Ex Parte Communication** None
- Public Hearing A. Case 2010-29 Tentative Parcel Map and Variance**
Location: 13861 & 13863 Jackson St. (Assessor's Parcel No. 097-061-26)

Application to subdivide a .23 acre parcel, developed with two detached residences, into two small lot residential parcels and a variance request for a 10-foot rear yard setback for both lots, whereas the minimum required rear yard setback for a small lot subdivision is 15-feet.

STAFF RECOMMENDATION: That the Planning Commission deny the request for a tentative parcel map and variance.

Commissioner Ho arrived at 6:40 p.m.

Mr. Chris Wong made the presentation to consider an application to subdivide an existing development residential parcel into a small lot subdivision with a variance to the minimum required rear yard setback. Based on staff analysis and findings, he recommended that the Planning Commission deny the request.

The public hearing was opened and speaking in favor of the application was the applicant's representative, Mr. Robert Monroe of 495 San Pascual Valley Road, Escondido. He stated that the Assessor Parcel Map he provided to the Commission show different square footage measurements of the property from that of staff and based on these measurements, he contended that the property has complied with code requirements for a tentative parcel map except for the rear yard setback. According to Mr. Monroe, the only issue was the variance request since the property does not meet the 15 feet rear yard setback requirement. He indicated that the existing developed property will not change and pointed out that there were properties in the surrounding neighborhood that had similar measurements as the subject property. He stated that not only will the owner benefit economically but the City as well from the revenue of two separate assessed properties.

No one spoke in opposition.

Mr. Monroe explained that his client has economic hardship because other property owners of residential parcels located within the same zoning district enjoy the economic value of their properties but his client is being denied that benefit.

The public hearing was closed

Commissioner Bertels supported staff's recommendation and expressed concern that the applicant's proposal could open a new can of worms for many subdivisions.

Motion

Commissioner Bertels moved that the Planning Commission deny the request for a tentative parcel map and variance for Case 2010-29 (Resolution No. 11-021) based on staff findings and analysis. Commissioner Turro seconded and the motion carried 5-0.

B. Case 2011-02 Conditional Use Permit

Location: 9211 Bolsa Ave., # 101-103 (Assessor's Parcel No. 098-303-21)

Pho Quang Trung

The applicant is requesting a Conditional Use Permit (CUP) to allow sales of beer and wine for consumption on the premises of an existing restaurant.

STAFF RECOMMENDATION: That the Planning Commission Approve the Conditional Use Permit subject to conditions

Commissioner Ho recused herself from the public hearing as she owned a parcel of land within 500 feet from the subject property.

Mr. Chris Wong presented a brief background and analysis of the proposal and recommended that the Planning Commission approve the Conditional Use Permit subject to the conditions listed in the draft resolution.

The public hearing was opened and speaking in favor of the application was the applicant/owner, Ms. Cindy Quan of 9211 Bolsa Avenue, Ste. 101-103. She stated that she sold her restaurant in Garden Grove last year and confirmed that she did not have any problems on the sale of beer and wine during the operation. She was available to answer any questions.

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

Motion

On motion of Commissioner Turro, seconded by Commissioner Bertels, and carried 4-0, the Planning Commission approved Case 2011-02 Conditional Use Permit (Resolution 11-022) subject to the conditions listed in the draft resolution.

Commissioner Ho returned to the dais.

C. Case 2010-44 Zoning Text Amendment – Zoning Code Tune-up

Location: Citywide

Zoning Code "Tune-Up" (amendment of Title 17 of the Westminster Municipal Code) primarily involving a reorganization of the code for

the purpose of clarity and readability. Additional minor changes pertain to Zoning Code administration and definitions. Some reformatting of the zoning regulations, a streamlined development review process, modified development standards and an updated list of uses permitted by right or subject to an administrative or conditional use permit.

STAFF RECOMMENDATION: That the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending various sections and chapters of Title 17 (Zoning Code).

Mr. Art Bashmakian stated that after the Zoning Code was adopted, staff recognized that changes would be necessary to correct errors and omissions. In addition, a number of substantive changes were added as shown in the "Comment" Section of Attachment 1 to the staff report. Mr. Bashmakian presented the most significant changes and provided a summary and description of these changes.

Based on staff findings and analysis, Mr. Bashmakian recommended that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending various sections and chapters of Title 17 (Zoning Code).

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

Motion

Chairman Vo moved that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending various sections and chapters of Title 17 (Zoning Code) for Case No. 2010-44 (Resolution 11-023). Commissioner Bertels seconded and the motion carried 5-0.

Regular
Business

A. Case 2010-82 Development Review
Location: 7741 12th Street (Assessor's Parcel No. 096-351-20)

An application for Development Review (Level II – Non-Public Hearing) to demolish an existing single-family dwelling and construct three new two-story attached dwellings. The proposed project will be located on an 8,600 square-foot corner lot on the northeast corner of 12th Street and Cedarwood Avenue.

STAFF RECOMMENDATION: That the Planning Commission approve the request for Development Review, subject to the recommended conditions of approval.

Mr. Wong provided the project description and analysis of the application to demolish an existing single-family residence and construct three new attached dwellings. Based on staff findings, he recommended that the Planning Commission approve the request for Development Review, subject to the recommended conditions of approval.

The Planning Commission allowed the applicant, Ms. Janine Mai Tran of 14931 Chestnut Avenue to speak in favor and Mr. John Strohecker of 7751 12th Street, to speak in opposition. Mr. Strohecker indicated that he has lived in the adjoining property since 1984 and was concerned about his privacy because the windows and balconies of the proposed building face and overlook at his back yard.

Motion

On motion of Chairman Vo, seconded by Commissioner Turro, and carried 5-0, the Planning Commission approved the request for Development Review for Case No. 2010-82 (Resolution No. 11-024), subject to the recommended conditions of approval.

B. Case 2010-26 Development Review

Location: 15550 Beach Boulevard (Assessor's Parcel No. 107-721-02)

Orange Coast Infinity

An application for Development Review to remodel the primary building and supporting car service area garage at an existing Infinity dealership. The scope of the renovation entails enclosing an existing canopy overhang along Beach Boulevard to enlarge the showroom and office area by 7,226 square-feet. The existing service area drive thru canopy (3,060 square feet) and service bay area (3,482 square feet) will also be enclosed. Additionally, a completely new building façade will be applied to the north, south and west facing walls of the dealership.

STAFF RECOMMENDATION: That the Planning Commission approves the request for Development Review, subject to the recommended conditions of approval.

Mr. Parker presented the proposed remodel of an existing Infinity dealership. He displayed the building's existing elevations and the proposed improvements on the primary building and supporting car service area garage. Based on staff finding and analysis, Mr. Parker recommended that the Planning Commission approve the request for Development Review, subject to the recommended conditions of approval.

Motion	On motion of Chairman Vo, seconded by Commissioner Turro, and carried 5-0, the Planning Commission approved the request for Development Review for Case No. 2011-26 (Resolution No. 11-025), subject to the recommended conditions of approval.
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 7:45 p.m. to the Planning Commission meeting on Wednesday, July 6, 2011, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant