



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
May 15, 2013
6:30 p.m.

1. ROLL CALL: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

PRESENT: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

ABSENT:

2. SALUTE TO FLAG:

Commissioner Ho

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Commission Secretary Art Bashmakian reported receiving a communication in opposition to Item No. 8.1 and noted that when the item is presented, reference will be made to the letter.

He added that another letter was received regarding Item No. 8.1 and that reference will be made to it at the time the item is presented.

He reported a typographical error in the minutes on the agenda for adoption and referenced updated minutes with the correction incorporated.

Mr. Bashmakian referenced the resolution under Item No. 9.2 noting a typographical error that has been corrected.

4. EX PARTE COMMUNICATIONS

Chair Nguyen reported that he did not visit the site under Public Hearing items, but did visit the site relative to Item No. 9.2.

Commissioner Manzo reported visiting the sites for Items No. 8.1 and 9.1.

Commissioner Lopez reported visiting the site for Item No. 8.1.

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS - None

7. APPROVAL OF MINUTES – March 20, 2013

Chair Nguyen highlighted typographical errors in page 3 and 4 of the minutes for the Planning Commission meeting of March 20, 2013.

Mr. Bashmakian reported that the corrections will be incorporated into the minutes and reviewed by the Chair prior to signing.

With the noted corrections, the minutes of the Planning Commission regular meeting of March 20, 2013 were approved on motion of Chair Nguyen, seconded by Vice Chair Anderson and carried 5-0.

8. PUBLIC HEARINGS

8.1 Case No. 2012-60 Conditional Use Permit

Location: 13602 Milton Street

Applicant: Alison M. Nguyen

The project involves the establishment of a short recovery (repossession) business, which operates 24-hours a day and involves the retrieval of collaterals (i.e. cars, motorcycles, boats, etc.) on behalf of lending institutions. Collateral is brought to the site for approximately three days, before it is transported to an auction facility.

RECOMMENDATION: Approve the Conditional Use Permit subject to conditions.

Steve Ratkay, Associate Planner, gave a presentation on this item. He referenced letters received regarding the matter from resident Angie Vuong with concerns about the business and another from L.B. Enterprises with concerns about the business operation.

In response to an inquiry from Commissioner Manzo, Mr. Ratkay reported that L.B. Enterprises is licensed for towing services and vehicle recovery. He added that the applicant, located at 13602 Milton Street has been operating for approximately 1 ½ years without a license.

Discussion followed regarding the Code Enforcement process regarding this matter.

Commissioner Lopez commented on other towing businesses in the proximity of the subject property and inquired regarding complaints received.

Mr. Ratkay reported that staff is unaware of complaints and in speaking with the Police Department, no complaints have been received regarding surrounding business and that one complaint was received in regards to the subject business. He explained the area where and how the applicant will be using the property including the area of the business that can be utilized from 5:00 p.m. to 8:00 a.m.

Discussion followed regarding uses of the site throughout the years and present uses of the property and details of the complaints received.

Chair Nguyen asked about the sale and repair of vehicles on the site and it was noted that those uses are prohibited. He inquired regarding vehicle towing hours and Mr. Ratkay responded that the information is not available and that towing was permitted by right in the M1 Zone in the City's original Zoning Code. Furthermore, prior to 2010, there were no restrictions on businesses operating twenty-four hours. Mr. Ratkay explained other provisions within the Resolution, including consistency with the City's General Plan and the proposed gates.

THE CHAIR OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK ON THE SUBJECT MATTER.

Tom Schaefer, property owner, addressed prior intents to obtain a business license, citations received and prior actions by the Planning Commission. He reported sending out notices to surrounding neighbors and receiving three negative replies and four positive replies. He reported following up with respondents and stated his desire to be a good neighbor. He addressed the existing gates and offered to respond to questions from the Planning Commission.

Mr. Schaefer confirmed reading and accepting all Conditions of Approval. Additionally, he addressed lighting on the property including motion-sensor lights. At a suggestion from the Planning Commission, Mr. Schaefer agreed to maintain the gate adjacent to the 20' x 40' area, closed from 5:00 p.m. to 8:00 a.m. and place signs accordingly.

Commissioner Manzo inquired regarding the addition of lighting towards the rear of the property and Mr. Schaefer affirmed that no new lighting will be added. Regarding the existing north block wall adjacent to residences, he asked that a condition be added to extend the metal fence extension through the length of the block wall fence to further mitigate noise and lighting as well as concealing or removing metal storage shelves in view towards to the front of the property. Additionally, he recommended that landscaping be maintained. Mr. Schaefer agreed with the recommendations.

Commissioner Lopez commented on an existing gate and chain and Mr. Schaefer reported that the gate is locked until it is needed to be opened. Commissioner Lopez expressed concerns regarding emergency access through that gate.

Alison Nguyen, the applicant, commented on the two letters received from a nearby resident and from a nearby business owner. The resident expressed concerns with traffic and noise related to the business. Ms. Nguyen noted that the business already exists and that there will be no added impacts relative to traffic and noise. The concerns from the nearby business owner relates to their business license. Ms. Nguyen reported that they must first obtain a Conditional Use Permit prior to applying for a business license. Therefore, upon approval of the present application, the business will be given an opportunity to apply for a business license in order to be in conformance with the City's requirements.

Discussion followed regarding business license fees and the length of time the business has been in operation.

Richard Hannay, business owner, reported that one of the letters is from his competitor down the street. He explained prior actions regarding their application for a business license. He confirmed reading the Conditions of Approval and stated agreement with them.

Joseph Ance, nearby resident, expressed concerns over the 24-hour operation of the business and related noise.

Vice Chair Anderson asked if Mr. Ance was currently experiencing noise issues and Mr. Ance reported that they were, but that the situation has somewhat improved. He added that the matter becomes more difficult in the summer and felt that the fence extension should help.

Commissioner Lopez stated that there shouldn't be a lot of noise now that they will be dropping off cars in the front and that access to the back will only be during certain hours.

Chair Nguyen invited the applicant to respond to the comments made by the speakers.

Mr. Schaefer responded to the issues raised by the previous speakers.

Discussion followed regarding the metal fence extension along the block wall fence.

THE CHAIR CLOSED THE PUBLIC HEARING

Ensuing discussion pertained to fence height limitations within the Municipal Code and the possibility that the recommended extension will not be allowed. It was noted that a partial extension currently exists and that the recommendation is to continue the extension through the entire length of the block wall fence.

Chair Nguyen stated that the Planning Commission cannot impose a condition that would violate the Municipal Code.

Vice Chair Anderson stressed provisions in place for the protection of nearby residents and

businesses.

Commissioner Manzo suggested adding a condition to address the aesthetics of the property and the existing storage shelf.

Motion was made by Commissioner Manzo, and seconded by Vice Chair Anderson to approve the Conditional Use Permit to establish a short recovery (repossession) business, which operates 24-hours a day and involves the retrieval of collaterals (i.e. cars, motorcycles, boats, etc.) on behalf of lending institutions with added conditions regarding maintaining landscaping, concealing the existing storage shelf, adding signage regarding hours of closure of the gate adjacent to the 20' x 40' area and completing the block wall extension if allowed by the Municipal Code.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

NOES:

ABSENT:

9. REGULAR BUSINESS

9.1 Determination if the design of an addition is consistent with the design of the surrounding neighborhood.

Location: 15802 Clarendon Drive

The matter of a proposed roof cover over an existing second floor deck of a single family dwelling unit is before the Planning Commission in order to determine if the design of the addition (roof cover) is consistent with the design of the surrounding neighborhood.

RECOMMENDATION: Determine that the proposed addition is not consistent with the design of the surrounding neighborhood.

Steve Ratkay, Associate Planner, gave a presentation on this item.

Chair Nguyen asked regarding possible setback issues and Mr. Ratkay responded that there are no setback issues or height requirement issues. He added that the only issue is determination of consistency with the surrounding neighborhood.

Commissioner Manzo inquired regarding staff recommendations and Mr. Ratkay stated that there are design elements that can be implemented but rather as presented, the proposed addition is not consistent with the design of the surrounding neighborhood. He added that the issue is the design of the roof related to building mass.

Commissioner Ho asked regarding the specific location of the proposed addition and felt that the proposed is like a roof addition. Mr. Ratkay reported that the use is not at issue but that from the Zoning Code perspective, it is that the structure as proposed creates a mass over the first floor and is inconsistent with surrounding residences.

Commissioner Ho asked whether the lot is a single lot and Mr. Ratkay reported that it is a single lot. He reported that the lot is approximately 6,000 square feet and that the lot and building sizes are similar to others in the neighborhood.

Commissioner Lopez reported that there is a house in the neighborhood with similar features as what is being requested by the applicant and that it looks nice.

Vice Chair Anderson commented positively on the overall design of the home and noted understanding staff's concerns with massing and consistency in the neighborhood. He found it

encouraging that the homeowner is willing to invest on and improve the home and wondered if something could be done that might address staff concerns with the massing issue while still allowing the homeowner to proceed with the project. He suggested the possibility of installing a hip roof instead of a gable, to address massing and allow the homeowner to install the proposed cover.

Chair Nguyen commented positively on Vice Chair Anderson's comments and invited to applicant to address the Commission on this matter.

Michael Duong, the applicant, reported that he wants the house and cover to look nice and that he is requesting the cover to provide his family room with screening from the sun and rain.

Discussion followed regarding the costs for the gable and the hip roofs.

Mr. Duong stated that he will speak with his designer regarding the hip roof. He and his designer accepted the suggested for installing a hip room.

Commissioner Ho asked and was provided with information regarding the difference between a gable and hip roof.

Motion was made by Vice Chair Anderson, and seconded by Commissioner Manzo to approve the proposed roof cover over an existing second floor deck of a single family dwelling unit with the addition of a hip roof instead of a gable roof.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

NOES:

ABSENT:

**9.2 Case No. 2012-48 – Approval of a Resolution regarding a Temporary Use Permit to allow two existing trailers to remain on site for an additional 18 months.
Location: 8500 Bolsa Avenue**

On April 17, 2013, the Planning Commission voted to grant an appeal thereby overturning the Director's denial of an extension request for a Temporary Use Permit. At this meeting, the Planning Commission will review and accept said resolution memorializing the action of April 17, 2013.

RECOMMENDATION: Accept Resolution No. 2013-007.

Planning Commission Secretary Art Bashmakian reported that the aforementioned item was considered previously by the Planning Commission but that the resolution was not available at the time. The resolution is therefore, being presented for the Commission's approval.

Motion was made by Commissioner Manzo, and seconded by Chair Nguyen to adopt Resolution No. 2013-007.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

NOES:

ABSENT:

9.3 Consideration to Adopt New Meeting time for Planning Commission Meetings

On June 20, 2012, the Commission voted 4-1 (Turro No) and adopted a new meeting schedule by moving its meeting starting time to 4:00 p.m. As required by the Municipal Code, any adoption of

rules for the transaction of the Commission's business is subject to City Council approval.

For a variety of reasons, the placement of the Commission's action on the Council's agenda was delayed. By the time the City held elections and new Council Members and a Mayor were elected, the make-up of the Planning Commission also changed. As such, staff decided not to take the matter to the City Council but instead bring it back to the new Commission and request that the Commission consider the matter again.

As was reported last time, the two clerical positions that supported the Planning Division were eliminated as part of the layoffs that occurred last July 2012. Among other duties, these positions were responsible for the preparation of minutes and for clerical duties at public meetings. Moving the meeting starting time from 6:30 pm to 4:00 pm would facilitate other staff members to assist the Planning Division in handling such clerical duties (facilitating public meetings and the preparation of minutes). Westminster Municipal Code, Chapter 2.44 states that the Planning Commission has the power to adopt rules for the transaction of its business, subject to approval of the City Council.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a new meeting schedule by moving its meeting starting time to 4:00 p.m. from the current starting time of 6:30 p.m.

Planning Commission Secretary Art Bashmakian reported that item was previously considered by the Planning Commission and addressed reductions in staff as well as the previous Commission's concerns that changing the time would limit access to meetings by the public. The item is being presented now to the new Planning Commission for its consideration.

Vice Chair Anderson stated that he is flexible but that staff's as well as other Planning Commissioner concerns should be addressed.

Commissioner Manzo commented on the need to facilitate access of the meetings to the public. He added that it would be difficult for him to attend at an earlier time.

Commissioner Ho commented positively on staff's ability to adapt to a reduction in staff. She stated that she would be available any time but felt that meeting at 6:30 p.m. would facilitate access to the meeting by the public.

Commissioner Lopez suggested the possibility of meeting at 5:30 p.m.

Chair Nguyen reported that he works until 5:00 p.m. but that he would support a motion to begin the meetings at 5:30 p.m.

Discussion followed regarding the possibility of getting additional staff to attend the meetings. Mr. Bashmakian stated challenges with getting additional staff but indicated that small adjustments could be made.

Commissioner Ho asked if on meeting dates staff could begin work one hour later in the day.

Mr. Bashmakian indicated that there are other issues to consider and that it would be up to the City Manager to decide other options in terms of funding. He added that it would be acceptable for the Commission to decide to maintain the meeting time at 6:30 p.m.

Motion was made by Commissioner Manzo, and seconded by Commissioner Lopez to maintain Planning Commission meetings starting time at 6:30 p.m.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

NOES:

ABSENT:

- 10. **REPORTS** – None
- 11. **MATTERS FROM THE PLANNING COMMISSION** - None
- 11.1 **AB 1234 Reports** - None
- 12. **ADJOURNMENT:** At 8:15 p.m., Chair Nguyen adjourned the meeting to regular meeting on Wednesday, June 5, 2013 at 6:30 p.m. in the Council Chambers.

NGUYEN
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Art Bashmakian
Planning Commission Secretary