



PLANNING COMMISSION
Minutes of the Regular Meeting
Community Services and Recreation Building
8200 Westminster Boulevard
Westminster, CA 92683
December 18, 2013
6:30 p.m.

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

PRESENT: NGUYEN, ANDERSON, MANZO, HO
ABSENT: LOPEZ

2. SALUTE TO FLAG:

Vice Chair Anderson led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Mr. Art Bashmakian, Planning Commission Secretary, stated that a letter in opposition of the Martial Arts studio, case number 2013-85 had been received. Additionally, a suggested language is proposed to be included in the Zone Text Amendment regarding non-conforming driveway and triggers for compliance with the new proposed code.

4. EX PARTE COMMUNICATIONS – None

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS – None

7. APPROVAL OF MINUTES

Commissioner Manzo noted that the meeting was held at City Hall, not City Council Chambers. Additionally, a firewall noted on page 2 should be corrected to say that it is on the North elevation and the windows are on the South elevation.

Motion was made by Chair Nguyen and seconded by Commissioner Manzo to approve the minutes of the regular meeting, with correction, of the Planning Commission on November 20, 2013.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO
NOES:

ABSENT: LOPEZ

Commissioner Manzo stated that John Oh was representing Lexus, not Honda World in item 12.

Motion was made by Chair Nguyen, and seconded by Vice Chair Anderson to approve the minutes of the regular meeting, with correction, of the Planning Commission on December 4, 2013.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO

NOES:

ABSENT: LOPEZ

Commissioner Ho did not vote, as Commissioner Ho was not present at either meeting.

8. PUBLIC HEARINGS

- 8.1 Case No. 2013-85, Conditional Use Permit**
Location: 14871 Moran Street (Assessor's Parcel Number 098-563-17)
Applicant: Nhuan Nguyen Tong

To operate a 1,984-square-foot martial arts studio in an M1 (Light Industrial) zoned property. The studio proposes to offer seventy-five minute long classes that may accommodate up to sixty students.

RECOMMENDATION: Approve subject to conditions

Chris Wong, Associate Planner, provided a report on the item.

Chair Nguyen opened the public hearing.

Chan Kieu, applicant representing the martial arts center, stated that he has been a business owner in Westminster for the past twenty years and there have never been complaints about their studio. Regarding parking spaces, the majority of students are under 18 years of age and do not have a car or take up a spot. Most students are dropped off by parents and therefore, parking places do not pose a problem. He has read all the conditions of approval and agrees with them.

Asia Cunningham, who is assisting her aunt in acquiring this permit, noted that students enrolled at the studio have to maintain a high GPA and are mostly students from the Westminster school district.

Mrs. Nguyen Tong, applicant, stated that she is very passionate about this

program and the health benefits that the martial arts studio provides.

Seeing no other speakers, Chair Nguyen closed the public hearing.

Chair Nguyen re-opened the hearing and invited Mr. Kieu up to answer questions.

In regards to the schedule, he noted that parents drop off most students by 5:15.

Chair Nguyen closed the public hearing.

Chair Ho stated that he is uncomfortable with the amount of parking spaces that are available in correlation to the number of students that can attend the studio.

Chair Nguyen noted that the applicant is flexible in working with, and amending, the hours to best accommodate the number of spaces. This item falls within the standards of code, as only 21 spots are required and this location has 23 spots available.

In regards to the late communication, Commissioner Manzo suggested the Traffic Commission review the item, which was confirmed by Chair Nguyen.

Vice Chair Anderson asked that an amendment be added that if conditions are not in compliance, or if there are any verified complaints, then the Planning Manager would meet to discuss mitigation issues. Chair Nguyen stated that if an issue cannot be resolved, there is a process to follow, followed by a public hearing to modify or revoke the CUP.

Motion was made by Chair Nguyen, and seconded by Commissioner Manzo to approve the conditional use permit, subject to conditions in the draft resolution, with an addition of condition 16, of Case No. 2013-85 Conditional Use Permit.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO, HO

NOES:

ABSENT: LOPEZ

8.2 Case No. Case No. 2007-85, Zone Text Amendment
Location: Citywide
Applicant: City of Westminster

Establishing development standards to regulate the parking of vehicles within front and street side yards of residential properties including standards regulating the size of driveways and paved areas within front and street side yards of residential properties.

RECOMMENDATION: Recommend that the Mayor and City Council adopt an ordinance establishing development standards to regulate the parking of vehicles within front and street side yards of residential properties including standards regulating the size of driveways and paved areas within front and street side yards of residential properties.

Art Bashmakian, Planning Manager, provided a power point presentation regarding the Zone Text Amendment.

Commissioner Manzo raised concern over existing properties that are not in compliance and Mr. Wong referred back to the history of enforcement and current code. However, code could be clarified to redefine what a driveway is and prohibit parking more clearly.

Commissioner Manzo asked that the issue of canopies be discussed by the Commission and placed on a future agenda. It was an issue discussed several years ago, but there was never a resolution.

Chair Nguyen opened the public hearing.

Lee Lieber, a 35-year resident of Westminster, questioned the percentages of landscaping behind the setback and it was answered that from the setback, 50% must be landscaped. Also, he asked for clarification regarding landscaping coverage to the side property line versus the setback, and Mr. Wong responded that as long as it is 50% landscaped then it is in compliance. He is in favor of grandfathering policies and feels that the sixteen feet driveway is too wide.

Seeing no comments, Chair Nguyen closed the public hearing.

Chair Nguyen stated that he is in favor of the grandfathering policy, as it would be a substantial remodel for existing homes.

Commissioner Anderson thanked staff for a thorough report and the photographic examples, as they will help homeowners understand the issue. There is concern over the side parkway and that west property lines could lose the landscaping, and that it would be beneficial to maintain five feet of landscaping. He also suggested that on page 406 of the Planning Commission Resolution, asphalt be deleted as it is not a long-term solution or suitable material. Also, on page three, the maximum width of the walkway should be amended to add that walkways should not be used for the maneuvering of vehicles, with a separation between walkway and driveway. He would like to see a physical separation, twelve inches in height, with landscape strips or border strips to prevent misuse of walkways.

Discussion carried regarding the parking of vehicles in paved gardens, noting that it is currently prohibited.

Mr. Bashmakian, Planning Commission Secretary, stated that staff could return with an ordinance that is in compliance with all the amendments and laws. The City Attorney's office would be able to complete it before the meeting on February 5th.

Motion was made by Chari Nguyen, and seconded by Vice Chair Anderson to continue the Zone Text Amendment Case No. 2007-85 to the February 15th meeting. Zone Text Amendment.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO, HO
NOES:
ABSENT: LOPEZ

- 9. **REGULAR BUSINESS - None**
- 10. **REPORTS – None**
- 11. **MATTERS FROM THE PLANNING COMMISSION - None**
- 11.1 **AB 1234 Reports – NONE**
- 12. **ADJOURNMENT at 8:00 pm to a Regular Meeting on Wednesday, January 15, 2014 at 6:30 p.m. in the Council Chambers.**

NGUYEN
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Art Bashmakian
Planning Commission Secretary