



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
October 21, 2015
6:30 p.m.**

1. ROLL CALL: ANDERSON, LIEBERG, MANZO, NGUYEN, AND VO

PRESENT: Anderson, Manzo, Nguyen, Spencer, and Vo
ABSENT: None

2. SALUTE TO FLAG:

Commissioner Spencer led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS - None

4. EX PARTE COMMUNICATIONS

Commissioner Manzo reported visiting the sites under Item No. 8.1 and 9.1.

Commissioner Vo reported visiting the sites under Item No. 8.1, 9.1, and 9.2.

Commissioner Spencer reported visiting the sites under Item No. 8.1, 9.1, and 9.2.

5. SPECIAL PRESENTATIONS -None

6. ORAL COMMUNICATIONS - None

7. APPROVAL OF MINUTES – None

8. PUBLIC HEARINGS

8.1 Case No. 2015-46 (Variance)

Location: 15482 Goldenwest Street (APN: 142-401-03)

Applicant: Matt Higgins, Frontier Real Estate Investments

Variance to allow the placement of a third wall sign on a building under construction (Dunkin Donuts).

RECOMMENDATION: To approve with conditions

CEQA COMPLIANCE: The proposed matter is exempt from CEQA pursuant to Class 3, section 15303, which consists of the construction and installation of appurtenant equipment structures (such as the proposed wall sign) where the addition of such appurtenant equipment/structure represents a negligible change.

Associate Planner Steve Ratkay gave a presentation on the item. He stated that the Westminster Municipal Code allows for two signs therefore a Variance is required for the request. He added that the proposal includes a hardship request by the applicant due to

reduced visibility of the signs being hindered due to the existing Del Taco building to the north of the site and trees hindering visibility to the south of the site.

CHAIR ANDERSON OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Matt Higgins (project applicant with Frontier Real Estate Investments) spoke in favor of the item. He stated he didn't have anything to add to Associate Planner Steve Ratkay's presentation.

CHAIR ANDERSON ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN OPPOSITION OF THE ITEM.

No one spoke in opposition.

THE CHAIR CLOSED THE PUBLIC HEARING

Motion was made by vice chair Manzo, and seconded by Commissioner Spencer, to adopt Resolution No. 15-024 entitled, "A Resolution of the Planning Commission of the City of Westminster approving case no. 2015-46, a Variance allowing a third wall sign at 15482 Goldenwest Street (APN 142-401-03)."

The motion carried by the following vote:

AYES:	ANDERSON, MANZO, NGUYEN, SPENCER, VO
NOES:	NONE
ABSENT:	NONE

Planning Manager Bashmakian noted that any action taken by the Planning Commission can be appealed to the City Council.

9. REGULAR BUSINESS

9.1 Case No. 2015-52 (Zoning Clearance)

Location: 14712 Davis Street

Applicant: Frank Le

Design review for a new single-family dwelling that is larger than the 3,400-square-foot size limit imposed by the Planning Commission and the City Council through Resolution No. 4535.

RECOMMENDATION: Determine if the proposed design of the dwelling is in compliance with the 3,400-square-foot maximum imposed by the City Council through Resolution No. 4535.

Planning Manager Art Bashmakian presented details of the staff report. He stated this is the third time this item has come before the commission. The proposal is to demolish a 1,200 square-foot single family residence and to construct a 4,500 square-foot single family residence. The zoning code states the design of an addition must be consistent with the design of the surrounding area. The item is returning for a consistency determination for size and design.

Chair Anderson, Vice Chair Manzo, and Commissioner Nguyen inquired about an existing

gate in the back yard leading to the County property, the size of the original houses on that same street, and the size of the lot for the proposed home. The chronological history of submittals for this project was also discussed.

CHAIR ANDERSON EXPLAINED THAT ALTHOUGH THE ITEM IS NOT A PUBLIC HEARING, THE COMMISSION WOULD ALLOW PUBLIC COMMENTS REGARDING THE ITEM AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Richard Nguyen (Friend of the applicant), Frank Le (applicant project manager), Linh Nguyen (home owner) spoke in favor of the project

Richard Nguyen (friend of the family speaking on behalf of the applicant) stated the proposed design has already been downsized significantly and the mass has been reduced from the original plans. He stated the house will look similar to others on the street when looking at the house from the front, due to the mass of the building being moved to the back.

CHAIR ANDERSON ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN OPPOSITION OF THE ITEM.

Edna Godinez (Westminster resident), Charles Dauria (Westminster resident), Dennis Delzeith (Westminster resident), and Maria Rodriguez (Westminster resident) spoke in opposition of the project

Those opposed were concerned about overall size and design of project, specifically stating the home will look like a small hotel or apartment building. They opposed the design and location of the garage and angled driveway; stating it is not considerate to nearby neighbors as the garage is too close to a neighboring bedroom. They added concerns about noise and available street parking. They also had concerns about the possibility of renters or a business using this large structure in the future.

Miguel Torres (Westminster resident) filled out a speaker card in opposition but chose not to speak. He stated he had nothing new to add.

Chair Anderson conferred with the Deputy City Attorney asking if would be acceptable to allow those in favor of the project, who had not previously spoken, to now speak in favor. Deputy City Attorney Bettenhausen confirmed that it is acceptable to allow new speakers to speak as long as the opposition is allowed to rebut any new information; And, the applicant should be last to speak.

CHAIR ANDERSON ASKED FOR THOSE IN FAVOR OF THE ITEM TO SPEAK.

Frank Le (Project Manager for the applicant) stated that they have tried to address the concerns of the neighbors in the new design. He stated that the gate in the back would be removed and a retaining wall would be built. He indicated the size is consistent with other homes in the area and provided examples of lot coverage for other homes being at 47%; adding these homes have a smaller lot size than the proposed project. He added the proposal is currently at 48% lot coverage which is proportionate to other homes on the street. He stated that mass of this home was smaller than others on the street; having 47-foot frontage while other homes have 55-foot frontage. He stated the owner intends to live in the home once built and plans to retire here in this community.

Linh Nguyen (Owner of the property) stated that she and her husband purchased the

house in October; they plan to live in the house and enjoy the amenities of the community. She added that they still have the existing renter living in the house until they are able to start building the new house.

CHAIR ANDERSON ASKED IF THERE WAS ANY REBUTTAL FROM THOSE IN OPPOSITION.

Charles Dauria (Westminster resident) stated that Mr. Le gave all the information necessary to show that the size of the front of the property is smaller than other house fronts along Sowell and that they are compensating by placing the garage in the back of the home. He added that the existing owners may move someday and the large house will remain behind. He stated that the garage has to be moved to the left similarly to the way the other homes in the area are designed so that it will abut another garage versus a bedroom.

CHAIR ANDERSON ASKED IF THE APPLICANT WOULD LIKE TO COME UP TO SPEAK.

Frank Le (Project manager for the applicant) stated that change is good and the new design makes the structure less massive. He added that he felt the design is compatible with the surrounding area and the owners intend to live in the home and have no plans to rent it out. He commented that if the design is not approved, the house won't be upgraded and the neighbors may be stuck with the existing house and the existing tenant.

Chair Anderson closed public comments.

Commissioner Nguyen stated, the city has approved other larger homes in the City and he believed the homes were attractive and increased property values. He urged fellow Commissioners to give them a chance.

Commissioner Spencer stated that with a good design she would be in favor of the project. She suggested that the garage might be relocated to the other side of the home, or that a high block wall and trees might be added by the drive way to mitigate the noise.

Chair Anderson stated he was surprised that this large design returned to the Commission after the 3,400 square-foot guideline established in March 2015, especially since that decision was upheld by the City Council. He added that there are also some areas that are not included in the square footage as living space; however, these areas add to the mass of the buildings. He specifically mentioned a possible way to reduce mass would be to address the following areas: the 300 square-foot loggia, the 200 square-foot deck, and the porte-cochere that was placed over the driveway for cars to drive under. He added that although the current owners may plan to live in the home and not rent it, we cannot speak for what a future owner may do with the property as they may have very different intentions. He stated he was not comfortable with the size or mass of the building as proposed.

Vice Chair Manzo stated he was not comfortable with the design or mass of the proposed project as he felt it would impact the neighbors negatively. He was also concerned about the design and location of the driveway and the possibility of numerous cars parking upon the driveway possibly resembling a parking lot. He added the mass of the home is not compatible with the surrounding houses. He wanted to note that people generally think upgraded houses raise property values, but a potential buyer of a home in the neighborhood may not want to purchase next to a massive house.

Commissioner Vo stated that a new house would be an improvement on what is there now. He suggested building a higher wall next to the driveway to mitigate the possible noise. He added that it is a difficult lot to build on, but the design is not huge or massive.

Motion was made by Vice Chair Manzo, and seconded by Commissioner Spencer, that the proposed design of the 4464 square-foot dwelling is not consistent with the surrounding neighborhood. He added to the motion that if the project was to be resubmitted, it should come back to the Planning Commission for review.

The motion carried (3-2) by the following vote:

AYES:	Anderson, Manzo, and Spencer
NOES:	Nguyen, and Vo
ABSENT:	None
ABSTAIN:	None

Planning Manager Bashmakian noted that any action taken by the Planning Commission can be appealed to the City Council.

9.2 Case No. TUP-010-191
Location: 7425 Westminster Boulevard
Applicant: Matt Brusse

An outdoor sales event not directly related to a permanently established business with the City.

RECOMMENDATION: Determine if the proposed temporary event is consistent with the zoning code.

Planning Manager Art Bashmakian provided details of the report. He stated that staff does not typically bring Temporary Use Permits to the Commission as they are routinely approved at staff level; however, this event is brought before the Commission for a determination of consistency with the current Zoning Code. He stated the Zoning Code is not specific when it comes to sales from businesses outside the City. He added there is a general statement in the Code for other similar sales subject to the Director's review. He added that there had been direction from former City Managers and former Directors who had concerns about sales of this nature, the affect it may have on local business, and the general aesthetic concerns.

CHAIR ANDERSON EXPLAINED THAT ALTHOUGH THE ITEM IS NOT A PUBLIC HEARING, THE COMMISSION WOULD ALLOW PUBLIC COMMENTS REGARDING THE ITEM AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Madonna McAdam (Representative of Weingarten Realty, the property manager for the Westminster Center) spoke in favor of approving the Temporary Use Permit as they have had this vendor operate a sales event previously and the tenants at Westminster Center actually like the extra foot traffic they get from the sales.

CHAIR ANDERSON ASKED IF THERE WERE ANY COMMENTS IN OPPOSITION, THERE BEING NONE CHAIR ANDERSON CLOSED PUBLIC COMMENTS.

Discussion followed regarding the temporary use sales, sales tax revenues to the City of Westminster, other tenants in the Center with similar products, similar sales in other areas of the City, the length of sale, and the pertinent section of the Zoning Code and the lack of language specific to an temporary sale event with a business outside the City coming in and selling product through a tent sale.

Chair Anderson asked the applicant, if any of the other tenants had complained during previous sales. Ms. McAdam responded that they have never had complaints.

Chair Anderson and Vice Chair Manzo requested staff to bring this issue back to the Planning Commission in order to initiate a zoning text amendment to clarify the language for temporary use permits.

Deputy City Attorney Bettenhausen stated that the motion should include language in the recommendation to specifically determine if this item is consistent with the current zoning code.

Motion was made by Commissioner Vo, and seconded by Commissioner Nguyen, determining the request for a Temporary Use Permit for an outdoor sales event is consistent with the zoning code.

The motion carried (5-0) by the following vote:

AYES:	Anderson, Nguyen, Manzo, Spencer, and Vo
NOES:	None
ABSENT:	None
ABSTAIN:	None

Planning Manager Bashmakian noted that any action taken by the Planning Commission can be appealed to the City Council.

10. REPORTS - None

10.1. MATTERS FROM THE PLANNING COMMISSION - None

10.2. AB 1234 Reports - None

11. ADJOURNMENT - The meeting was adjourned at 8:07 PM to the Regular Meeting on Wednesday, November 4, 2015 at 6:30 p.m.



Don Anderson
Chairman



Art Bashmakian
Planning Commission Secretary

Prepared by:

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