PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
April 4, 2012
6:30 p.m.

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1. ROLL CALL: BERTELS, HO, OH, TURRO, VO

PRESENT: Oh, Turro, Vo
ABSENT: Bertels, Ho

2. SALUTE TO FLAG:

Chairman Vo

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Art Bashmakian mentioned that staff received a letter regarding Public Hearing 8.1 Case 2010-89 which will be discussed when the item is presented to the Planning Commission.

4. EX PARTE COMMUNICATIONS

None

5. SPECIAL PRESENTATIONS

None

6. ORAL COMMUNICATIONS

None

7. APPROVAL OF MINUTES – Regular Meeting March 21, 2012

The minutes of the regular meeting of March 21, 2012 were approved on motion of Chairman Vo, seconded by Commissioner Oh, and carried 3-0, Commissioners Bertels and Ho were absent.

8. PUBLIC HEARINGS

8.1 Case 2010-89 Development Review – Level 1, Administrative Adjustment, and Variance
Location: 8070 Westminster Blvd (Assessor's Parcel Number 097-071-31)

(Continued from 3/21/2012 per Applicant's request) The applicant seeks approval to develop a second floor addition to an existing single-story commercial building, along with building façade improvements and minor site improvements. As a result, an Administrative Adjustment from the minimum required width of drive aisles and a Variance from the minimum required number of parking spaces are necessary.

RECOMMENDATION: Staff recommends that the Planning Commission approve the development of a second floor addition to an existing single-story commercial building, along with building façade improvements and minor site improvements subject to conditions of approval; approve an Administrative Adjustment from the minimum required width of drive aisles; and deny a Variance from the minimum required number of parking spaces.

Chris Wong indicated that this item was continued from the previous meeting of March 21, 2012 at the request of the property owner who modified the proposed use which resulted in the change of the variance. Chris provided a brief presentation on the proposed Administrative Adjustment to develop a second floor addition along with minor site improvements and a Variance from the minimum required number of parking spaces. Based on staff analysis and findings, he recommended that the Planning Commission approve an Administrative Adjustment from the minimum required width of drive aisles; and deny a Variance from the minimum required number of parking spaces.

The public hearing was opened and speaking in favor was the applicant, Jaclynn Do of 3706 Montego Drive, Huntington Beach. She explained that the variance should be approved for the following reasons: (1) There would be medical specialists who will provide their services in her medical facility, and it would cause hardship to her patients (especially the elderly) who will be inconvenienced when they visit these specialists scattered around the Bolsa area. (2) Complying with the parking requirements would deny the necessary use of the medical office and would create an impossible solution since the entire second floor area would have to be removed. (3) Reduce parking needs by providing better access to the doctors through shuttle services (usually provided by insurance) to accommodate the growing number of baby boomers' medical needs; a bus stop is located near the building; public parking is available behind the medical building; and the medical specialists would come on a rotation schedule.

Nursing home operator Clark Nelson, 240 Hospital Circle, stated that they will be able to provide better quality care for their patients since they will have easy accessibility to a medical specialist in the medical building near their nursing home facility.

Quoc Nguyen, 8602 Edgebrook Drive, Garden Grove, driver for the Vietnamese Association of Orange County, supported the proposal.

Trang Do, 13750 Edwards Street, Apt. A, drives her mother to the medical facility every three months, and believes it was more important to have medical specialists for her mother than parking spaces.

Manager for Chase Bank Francisco Galvez, 14011 Beach Blvd., indicated that the proposal will be a great value for the community.

Dina Altamirano, 14362 Titus Street, stated that she does not park her car but drops and picks up her mother for her medical appointments. She felt it was better to have medical specialists in the same location.

Project Manager Lance Do, 8341 Westminster Blvd., contended that the project will bring business and enhance the community since the building will be renovated and improved. He indicated that there is available parking in the rear of the building and a number of the patients either use public transportation or are dropped off. He felt it was time to evaluate the City's codes for the benefit of the community as variance and zoning changes in time.

Bich Huong Webber, 14081 Magnolia St. Space 90, stated that she walks to see Dr. Do for her appointments.

Lance Jue, 8052 Westminster Blvd., Manager of Walgreens, stated that Dr. Do is a great business partner, very responsible, and asset to the City.

Speaking in opposition, Curt Arakawa, 8102 Westminster Blvd., indicated the he owns the building next to the project site. Prior to the present owners, he stated that they experienced parking problems because patients of the nearby medical facility use their parking lot despite the "No Parking" signs. Because of this, his tenants complain about unavailable parking spaces and chase people out of the parking lot. He stated it was unfair to his tenants. Further, he mentioned that no one walks from the public parking behind the building to the medical facility.

Understanding Curt's parking concerns with the previous owner, Jacklynn explained that taking into account that her building is a medical office and not in a retail business, she anticipates that there would be less number of people who will use the parking lot and therefore not cause any parking problem. She stated that the main entrance of the medical building will face the parking lot so that patients will not be confused where to park.

The public hearing was closed.

Chairman Vo stated that the lack of three parking spaces should not jeopardize the project as there are other alternative parking spaces available. He predicted that fewer customers are expected to come into the medical office than a regular retail business.

Commissioner Oh concurred with Chairman Vo and recommended that the applicant work closely with Curt Arakawa to minimize any parking concerns.

Commissioner Turro was still bothered by the lack of parking spaces. Unless the applicant and the next door property owner work out a parking agreement to provide the three additional parking spaces required by Code, he would be satisfied.

Chairman Vo moved that the Planning Commission approve Case 2010-89 (Resolution 12-014) the development of a second floor addition to an existing single-story commercial building, along with building façade improvements and minor site improvements subject to conditions of approval; approve an Administrative Adjustment from the minimum required width of drive aisles; and approve a Variance from the minimum required number of parking spaces based on the findings of special circumstances applicable to the subject property and creating three additional parking spaces would create unnecessary and involuntary hardship that would make it impossible to comply with staff's requirements. Commissioner Oh seconded and the motion carried 2-1, Commissioner Turro dissented but only for the portion of application involving the variance.

8.2 Case 2009-25 Variance, Conditional Use Permit, and Development Review – Level 3 Location: 7622 23rd Street (Assessor's Parcel Number 096-251-11)

An application to demolish an existing 2,267 square-feet, single-story, duplex and construct a new two-story, 28-foot high building that is approximately 3,969 square-feet in size. The applicant proposes to use the new building for meditation services with hours of operation from 10:00 am to 10:00 pm Monday through Friday and 10:00 am to 4:00 pm on Saturday and Sunday, with appointments until 8:00 pm.

RECOMMENDATION: Staff recommends that the Planning Commission approve the VoVi Friendship Association's Application to: 1) Operate a Meditation Center with a Care Takers Unit in the "C-R" Commercial Restricted Zone; 2) Construct a New Two-Story High, 3,969 Square-Foot Building; and 3) Locate a Trash Enclosure within the Rear and Side Yard Setbacks.

Art mentioned that staff received another Late Communication item which was a power point presentation for this item. The Planning Commissioners were provided a copy of the power point presentation.

Alexis Oropeza provided the description of the proposed Variance, Conditional Use Permit, and Development Review – Level 3. Based on its findings and analysis and subject to the conditions imposed, she recommended that the Planning Commission approve the VoVi Friendship Association's Application to: 1) Operate a Meditation Center with a Care Takers Unit in the "C-R" Commercial Restricted Zone; 2) Construct a New Two-Story High, 3,969 Square-Foot Building; and 3) Locate a Trash Enclosure within the Rear and Side Yard Setbacks.

The public hearing was opened and speaking in favor was Project Director Hung Nguyen Le of 626 S. Harmon Street, Santa Ana, who stated that the proposed structure incorporates the architecture and culture of the neighborhood with improved and quality landscaping. He displayed photos of the proposed center that includes the main hall for meditation and activities that take place in the center.

The following supported the project: Quyen Tran, 237, S. Beach Blvd., Anaheim, President of Vovi Friendship Buddhist Association; Tran Jackie Nguyen, 6241 Chapman Ave., Garden Grove; and John Pham, 7500 Suzi Lane.

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

Commissioner Turro stated that like other meditation centers that were approved in the past, he was fine with this proposal as long as everything is within Code. Chairman Vo concurred adding that the center will benefit the community.

On motion of Chairman Vo, seconded by Commissioner Oh, and carried 3-0, the Planning Commission approved Case 2009-25 (Resolution 12-014), the VoVi Friendship Association's Application to: 1) Operate a Meditation Center with a Care Takers Unit in the "C-R" Commercial Restricted Zone; 2) Construct a New Two-Story High, 3,969 Square-Foot Building; and 3) Locate a Trash Enclosure within the Rear and Side Yard Setbacks based on staff findings and analysis and subject to the conditions of approval.

8.3 Case 2011-61 Variance and Administrative Use Permit
Location: 14601 Davis Street (Assessor's Parcel Number 096-484-01)

The applicant is requesting Variances from numerous development standards and an Administrative Use Permit in order to maintain two accessory structures constructed without permits, and in conflict with the Zoning Code.

RECOMMENDATION: Staff recommends that the Planning Commission Deny the Variances and Administrative Use Permit.

Michael Patterson made a brief presentation on the background and description of the proposed Variances and Administrative Use Permit. Based on its analysis and findings, he recommended that the Planning Commission Deny the Variances and Administrative Use Permit.

The public hearing was opened.

Coni Kohan, 7211 Santee Avenue, lives across the subject property and supported the applicant for the following reasons: the unpermitted structures were already built when the present owners bought it; the playhouse structure served the neighborhood children for over thirty years; neighbors were never bothered by the noise from the playhouse;

and neighbors are not concerned about the structures because they are not visible from the outside.

The owner, Richard Nam Bui, 14601 David Street, stated that the storage and playhouse structures have been built before they purchased the house. He mentioned that he has gathered 150 signatures supporting the unpermitted structures. His daughter, Jacqueline Bui 14601 Davis Street, stated that the playhouse is very dear to her as she has many memories there.

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

Chairman Vo sympathized with the property owner but pointed out that the house which is in a residential neighborhood has to comply with Code. Commissioner Turro concurred with Chairman Vo.

Chairman Vo, seconded by Commissioner Turro, moved that the Planning Commission Deny the Variances and Administrative Use Permit for Case 2011-61 (Resolution No. 12-016) based on staff findings and analysis. The motion carried 3-0.

8.4 Case 2011-67 Conditional Use Permit and Development Review – Level 1
Location: 14452 Chestnut Street (Assessor's Parcel Number 096-152-14)

The applicant seeks to convert an existing 9,638 square-foot warehouse to a place of religious worship. This converted warehouse is intended to be the ancillary building to the new Temple that will be constructed on the adjacent parcel owned by the applicant. The weekday activities within this building will primarily be for group study session of religious texts. On weekends the building will be used for scout meetings and activities. Finally the building will also be intended for use during special events.

RECOMMENDATION: Staff recommends that the Planning Commission Approve the Conditional Use Permit and Development Review to Allow the Conversion of an Existing 9,638 Square-Foot Warehouse to a Place of Religious Worship Approve the Modifications to the Parking Lot Subject to the Required Findings and Conditions of Approval.

Alexis presented the applicant's proposal consisting of the conversion of an existing warehouse to a place of religious worship. She provided an analysis and the findings of the project site, recommending that the Planning Commission approve the Conditional Use Permit and Development Review to allow the conversion of an existing 9,638 square-foot warehouse to a place of religious worship approve the modifications to the parking lot subject to the required findings and conditions of approval.

The public hearing was opened.

Addressing the occupancy issue, Dien Dinh, 111 El Levante, San Clemente, indicated that he had spoken with staff to allow 236 maximum occupancy since they already have

22 parking spaces in the warehouse with additional 37 parking spaces in the temple. However, Alexis responded that a new condition could be added to combine the two parcels together but the properties would have to be covenanted and the warehouse is demolished and converted into parking spaces. Deputy City Attorney Christian Bettenhausen advised that the two properties could be combined and recorded with a condition that the two parcels will be held as one and cannot be separated since the temple relies on the other property for parking.

Coni Kohan 7211 Santee, stated that it will be great to have the project in Westminster and added that she anticipates that parking will not be a problem in their neighborhood.

The following spoke in opposition: Dee Tomabello, 7224 Maple Street; Socorro Pueblo, 2371 Maple Street; Jaime Dominguez, 7426 Maple Street; and Ismael Avila, 14314 Olive Street. They complained about the noise especially during late evening hours when temples events are held (called the Police Department); lack of parking; and traffic congestion within the vicinity of the project site.

Speaking in rebuttal, Dien Dinh said that they will comply with the noise as required in the conditions of approval. Regarding the parking issue, he understood staff's requirements, but indicated that it was not relevant in this case. For special events, he indicated that they will apply for special permit which will address any issues pertaining to the traffic.

Chairman Vo was inclined to approve the proposal, but was concerned about the occupancy issue raised by the applicant. He suggested continuing the item to the next meeting so that the applicant could work with staff and consider Christian's recommendation to combine and record the two adjacent lots as one. Alexis, however, indicated that staff preferred to covenant the properties to avoid the situation that when the warehouse's parking spaces are no longer available, the occupancy would still remain 236. Further, she stated that combining the two properties would be more burdensome for the applicant since it will require the applicant to redo the plan based on the Water Quality Management Plan that would change the property configuration. Christian then advised that staff could include a condition to state that until the building on the southern property is completed, maximum occupancy would be allowed as long as the parking requirements are satisfied in accordance with City Code.

Commissioner Turro felt that this item should be approved based on staff conditions and not be continued further.

When asked by the Planning Commission if they were agreeable to the additional condition, Dien Dinh indicated that they want to get the approval at this meeting and confirmed they would comply with all the conditions imposed by staff.

In summary, Christian clarified that all the conditions will remain but will include an additional condition that during the period between the acceptance of the applicant's application and the start of the construction on the southern parcel, the permitted

occupancy for the subject parcel may be increased by four for each parking space if the applicant can prove it is ready and available to the satisfaction of the Planning Manager and in accordance with the City's Code requirements. In addition, the applicant will be required to record a covenant against the property that the southern and northern properties will be held as one.

Art clarified and said there just needs to be a parking agreement between the two properties.

Chairman Vo moved that the Planning Commission approve Case 2011-67 (Resolution No. 12-017) Conditional Use Permit and Development Review to allow the conversion of an existing 9,638 square-foot warehouse to a place of religious worship and approve the modifications to the parking lot subject to the required findings and conditions of approval including the condition to covenant the two properties per staff recommendation. Commissioner Oh seconded and the motion carried 3-0.

9. REGULAR BUSINESS

None

10. REPORTS

10.1 Case 2011-53 Zoning Text Amendment – Public Notice Requirements Location: Citywide

Zone Text Amendment (ZTA) to modify procedures for notifying non-property owners regarding land use applications and to require applicants to post public hearing notices.

RECOMMENDATION: Staff recommends that the Planning Commission withdraw this zone text amendment.

Art recommended that the Planning Commission withdraw this zone text amendment because it is was no longer necessary since the Commission addressed this issue when it considered a different amendment to streamline the land use entitlement process.

On motion of Chairman Vo, seconded by Commissioner Oh, and carried 3-0, the Planning Commission withdrew the zone text amendment as recommended by staff.

11. MATTERS FROM THE PLANNING COMMISSION

Commissioner Turro thanked Art for his update on the building at the corner of Westminster Blvd. and Willow Lane.

11.2 AB 1234 Reports

None

12. ADJOURNMENT

At 8:47 p.m., Chairman Vo adjourned the meeting to a regular meeting on Wednesday, April 18, 2012 at 6:30 p.m. in the Council Chambers.

Dave Vo
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Maria Moya
Administrative Assistant