

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**January 12, 2005**  
**6:30 p.m.**

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- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, January 12, 2005, called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Cruz, Krippner, Nguyen, Salinas, Turro  
Commissioner absent: None
- Staff Attendance** Bonny Lay, Planning Director; Chris Wong, Planning Technician; Maria Moya, Department Secretary; and Christian Bettenhausen, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Krippner.
- Approval of Minutes** The minutes of the regular meeting of December 8, 2004 were approved on motion of Commissioner Salinas, seconded by Commissioner Cruz, and carried 5-0.
- Oral Communications** There was no Oral Communications received.
- Written Communications** There was no Written Communications received.
- Public Hearing** A. Case No. 2004-65 (Conditional Use Permit/Minor Modification to Site Plan/Minor Modification to Design Review), an application filed by Steve Dubin, authorized agent for Pan Pacific Retail Properties, property owner of record for property at 16334 Beach Boulevard in the C2-PD (General Commercial–Planned Development) District. The applicant is requesting a conditional use permit for the on-site sale and consumption of beer, wine, and distilled spirits (ABC type 47 on sale general license) in conjunction with a new 3,172-square-foot restaurant known as Davio’s Italian Grill. Also proposed are

minor modifications to the exterior façade. If the project is approved, a Notice of Exemption (NOE) will be filed to fulfill the mandates of the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2004-65 subject to the conditions in the draft resolution.

Ms. Bonny Lay indicated that this request, if approved, would be the seventh alcohol license permitted within the tract which will cause over saturation of alcohol sales. However, the proposed restaurant is located away from residential uses and supported by the Westminster Police Department. Based on staff's findings of necessity and convenience, issuance of the proposed license is recommended. Ms. Lay stated that staff is also recommending the façade remodel of the restaurant subject to the conditions in the draft resolution.

The public hearing was opened.

Speaking in favor was the applicant, Ms. Gayle Johnson of 16344 Beach Boulevard. No one spoke in opposition and the public hearing was closed.

Chairman Turro indicated that he was not worried about the over saturation since the alcohol sales was to compliment the food served in the restaurant. He also supported the façade modification

In response to Commissioner Salinas' concern about setting a precedent if alcohol sales is allowed in this restaurant, Ms. Bonny explained that there is justification based on the location of the establishment, and whether or not the business would be beneficial to the community.

Motion

Commissioner Salinas moved that the Commission approve Case No. 2004-65 subject to the conditions in the draft resolution, seconded by Chairman Turro.

Commissioner Krippner indicated that he would be more concerned about the distance and location to churches and schools rather than over saturation. Chairman Turro concurred.

The motion was carried 5-0.

Ms. Lay mentioned that there is a 15-day appeal period and the City Council could call up this item for further review. Since there will be 4 weeks until the next meeting on February 2, she indicated that she would include this as an Item of Interest to the City Council. In the meantime, the applicant could sign a hold harmless letter to start construction.

- B. Case No. 2004-52 (Area Variance/Site Plan/Design Review), an application filed by Jim Kelly, authorized agent for Martin and Elisabeth Sklena, property owner of record for property located at 14861 Dillow Street in the M1 (Light Industrial) District. The applicant is proposing to remove an existing wireless telecommunications monopole and install a new 73-foot-tall "monopalm." The new facility will house the antennas for both the current and proposed wireless carriers. All antennas will be fully screened from public view. If the project is approved, a Notice of Exemption (NOE) will be filed to fulfill the mandates of the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2004-52 subject to the conditions in the draft resolution.

Mr. Chris Wong indicated that staff supports the proposed location of the new facility and the proposed monopalm as it would eliminate a non-conforming structure, improve the site, and expand wireless service in the City.

The public hearing was opened.

Representing the applicant, Mr. William Bennett of Spectrasite Communications, 2201 Dupont Drive, Irvine, stated that subsequent to the last hearing on October 27, 2004, the Commission had indicated their preference for a tree pole design. Their proposed tree pole design, a monopalm, disguises the antennas and offers the opportunity to co-locate Cingular Wireless and another carrier. He mentioned that representatives from the monopalm manufacturer were present to answer any questions. Referring to the sample materials board, Mr. Bennett pointed out

that the beard material would have varying colors to replicate more a Mexican Fan Palm and would allow wind to blow through it. Mr. Bennett stated that they are in agreement with staff's conditions except Condition No. 8 which would require removal of the temporary wireless facility prior to the issuance of a building permit. He explained that since FCC requires that carriers remain operational 24 hours a day, they will remove the second temporary tower and transfer it to the new structure only when the cell tower becomes operational, not prior to the issuance of the building permit. Ms. Lay responded that staff understands the timing of the removal of the temporary facility and supports the applicant's request as he was committed to remove the temporary tower.

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

Commissioner Cruz commended the applicant for coming back to the Commission with a satisfactory design.

**Motion** Commissioner Krippner moved that the Commission approve Case No. 2004-52 subject to the conditions in the draft resolution with modification to Condition No. 8 as requested by the applicant. Commissioner Cruz seconded and the motion carried 5-0.

**New Business** There was no New Business scheduled for review.

**Old Business** There was no Old Business scheduled for review.

**Administrative Approvals** The Commission received notification that the following item was reviewed by the Planning Director. The decision of the item becomes final unless such decision is appealed to the Planning Commission or the Planning Commission requests further review.

- A. Case No. 2004-60 (Design Review - Administrative), an application filed by Paul Le, property owner of record, for property at 15001 Beach Boulevard, in the C2 (General Business) district. Applicant proposes exterior modifications to an existing one-story office building. Proposed are façade improvements including the replacement of the existing windows and doors and new exterior paint. In addition, new parapet walls are proposed.

**DECISION:** The decision was to approve the project subject to condition of approval.

The Commission received and filed above item.

## **Reports and Comments:**

### **Planning Director**

#### **Agenda Sheet Update**

Ms. Lay mentioned there will be one item in the next Planning Commission meeting scheduled January 26, Case No. 2004-69, Westminster Mall – Freeway oriented electronic display pylon sign and display screens (4) at mall entrances. She informed the Commission that City Council approved consultation services with Cotton/Bridges/Associates to update the City's Zoning Code. Because City Council has scheduled its second meeting on March 23, 2005 (same Planning Commission meeting date), Ms. Lay asked the Commission if they were willing to meet on March 30 instead. The Commission agreed to do so. Regarding Commissioner Nguyen's request to check the traffic in the intersection of Moran Street and Bolsa Avenue, Ms. Lay updated the Commission that the problem was checked and parking on both sides of Moran Street is no longer allowed. Related to this, Commissioner Nguyen requested staff to have the Traffic Engineer check the timing of the traffic light in this intersection because westbound traffic from Bolsa Avenue to Moran Street takes too long. As a result, cars backed up to Bushard Street. Ms. Lay stated that she will let the Traffic Engineer know. Lastly, Ms. Lay indicated that she will check the dates of the APA Conference in San Francisco and will make copies for those who are interested to attend.

#### **Council Review Items**

The following items were reviewed by the City Council on the January 10, 2005 agenda:

- A. Review of Planning Commission's approval of Case No. 2004-68 (Modification to Design Review) to erect a six-foot wrought iron fence and two rolling gates to the front of the property at an enterprise car rental business at 7382-7392 Westminster Boulevard.

Ms. Lay informed the Commission that this item was removed from City Council agenda after a compromised solution was reached between the applicant, Ms. Vangie Schock, Mr. Dick Jones, and Mr. Don Anderson.

- B. Review of Planning Commission's approval of Case No. 2004-56 (Conditional Use Permit) to establish a motorcycle dealership occupying two suites at 6172-6182 Garden Grove Boulevard

Ms. Lay stated that applicant decided not to pursue his business in Westminster since it took too long to process his application. The City Council deferred this item to February 2 anticipating that the applicant reconsider opening his business in Westminster.

Chairman Turro volunteered to talk to the motorcycle business operator to convince him to continue his business proposal in Westminster. He stated that in order to remain business friendly, something must be done to expedite cases that were previously approved by the Commission but called up by City Council for further review. Because it would take approximately four to six weeks until the item is considered by Council, the time delay becomes detrimental to the applicant.

**City Attorney**

Regarding Case No. 2004-52, Mr. Christian Bettenhausen mentioned that the temporary wireless facility that was installed without City approval is being investigated by Code Enforcement.

**Planning Commissioners**

Commissioner Salinas thanked staff for keeping the agenda packets dry when it was delivered to them on a rainy day. She noticed that the auto dealership sign was advertising Auto Trader Magazine and she was not sure if this business operates in Westminster. She also wanted to know if the auto dealership sign generated more revenue for Westminster as predicted.

Commissioner Nguyen inquired about the status of the construction of Super Store (formerly Kmart) and Coastline Community College along All-America Way. Ms. Lay informed him that the Building Permit had already been issued for the Super Store and it is now under construction. The business owner indicated that he wants to open within a month. In the meanwhile, Coastline Community College Learning Center will be completed in June for the school's fall semester.

**Adjournment**      The meeting was adjourned at 7:46 p.m.