

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
January 26, 2005
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, January 26, 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; 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 Chairman Turro.
- Approval of Minutes** The minutes of the regular meeting of January 12, 2005 were approved on motion of Commissioner Krippner, seconded by Commissioner Salinas, 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. 2004-69 (Special Advertising Permit), an application filed by Simon Property Group, property owner of record for property at the Westminster Mall in the C2 (General Commercial) District. The applicant is proposing to replace the existing pylon sign with a new free standing, eighty-five (85) foot tall, pylon sign with a 672-square-foot electronic display on both sides of the sign face. In addition, the applicant is proposing to install four 144-square-foot electronic wall displays above each of the entrances to the main mall concourse 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. 2004-69 subject to the conditions in the draft resolution.

Ms. Bonny Lay made a brief presentation on the proposed special advertising permit for a freestanding sign and four wall-mounted display screens. Based on the staff findings, Ms. Lay indicated that staff is recommending approval of Case No. 2004-69 subject to the conditions in the draft resolution. This afternoon, Ms. Lay mentioned that staff received a petition from residents in nearby neighborhoods who were opposed to the proposal as it will adversely affect their quality of life.

The public hearing was opened.

Representing the applicant and property owner, Mr. Steven Schwartz of the Simon Property Group spoke in favor of the proposal. Firstly, he introduced the people who were available to answer technical questions, namely: Mr. Tom Langeland of Smart Sign Media, 6333 Garden Highway, Sacramento; Dennis Tigen of Simon Corporate Property New York; Douglas Fitzpatrick, 15161 Mayberry Circle, Westminster; and Steve Bunstand, legal consultant, of 12806 SE 44th Place, Bellevue, Washington. Mr. Schwartz described the proposed freestanding sign and the four electronic screens. He displayed pictures of the existing freeway-oriented mall sign and then superimposed the proposed sign to show how it would look after its installation. He indicated that the sign and four electronic screens would enhance the mall appearance; provide customers information including community events; the whole system would be tied to the Amber Alert System; advertise for the tenants who do not have any freeway exposure; create awareness of the Westminster Mall; and increase revenue for the City through increased sales.

Mr. Tom Langeland of Smart Sign Media, contractor for the Westminster Mall sign, indicated that they have the experience in dealing with electronic video displays. He stated that they would take into consideration all the concerns of the neighborhood, and would abide by Caltrans regulations to make the most minimal

impact for neighboring residents. He added that he had not had any accidents or complaints resulting from installation of any electronic sign.

Mr. Steve Bunstand informed the Commission that when the proposed sign emits light, the "inversion square rule" would apply so that as light goes out, it degrades the amount of brightness from light source. The automated dimmer control (manual or automated) could lower the brightness as low as 1% of daytime light level. According to Mr. Bunstand, the light level is lowest in the evening.

Mr. Douglas Fitzpatrick stated that the proposed sign will not have the same brightness as the Auto Mall Sign because of the dimming control that will remove the massive glow from the sign.

The following spoke in opposition:

Mr. Joel Garcia of 6781 Santee Avenue was appointed spokesperson by the residents living closest to the freeway where the sign is proposed to be erected. Mr. Garcia stated that the sign will diminish the quality of their neighborhood and it is not necessary. He indicated that when he drove around the area where the signs were proposed to be erected, he observed that when he stopped, the effect of the light is much more apparent than when one is just driving by. He stated that this is light pollution and the height and brightness are unnecessary as the current sign is already visible from traffic above the sound wall. In addition, Mr. Garcia stated that the light could be a distraction to the drivers.

As a real estate appraiser, Ms. Jan Goodwyn of 6811 Santee Avenue, stated that the light from the proposed sign is big and distracting, and this kind of change in the neighborhood would lower the value of their property and affect the residents' personal comfort.

Ms. Deborah Gebhart of 14602 Yucca Circle, Huntington Beach, objected and stated that the Simon Property Group could use a less obtrusive advertising for the mall. She stated that the glowing effects of the sign would trespass her property and light would affect their sleep pattern and eventually their general health.

As a truck driver, Mr. Jerry Rodgers of 6871 Hazard Avenue, stated he has seen all kinds of signs and they all draw out light, specifically the Auto Mall Sign which does not comply with Caltrans regulations. As a small community, they don't want to see the tall bright light emanating from the sign.

Ms. Janet Thompson of 6852 Sowell stated that the sign is not necessary as the current sign is sufficient. She felt that Simon Property Group needs to trim the trees.

Mr. Ramiro Pimentel of 14611 Ralph Lane, Ms. Kelly Spahn of 6811 Santee Avenue, Mr. Mike Thompson of 6852 Sowell, Mr. Timothy Garcia of 6781 Santee Avenue, Ms. Charlene Pinder of 6772 Hazard, and Mr. Ken Perlis of 6852 Hazard, spoke against the proposal and expressed the same concerns.

Speaking in rebuttal, Mr. Langeland stated that he appreciated the concerns of the residents. He noted there are a number of mitigation measures that can be done to eliminate the light. The sign will be at a 70% viewing angle and the automatic dimmer control, which is highly effective, will be use. Regarding the Caltrans regulations, Mr. Langeland stated that if there is a violation, a complaint should be filed so that the regulations could be enforced. He pointed out no one had ever complain on the signs they had put up. Since they operate and maintain these signs, they deal directly with the concerns of all the citizens and everyone involved.

Mr. Steve Bunstand compared the LED lights to the park and freeway lights which come out on a 180 degree radius. However, the electronic LED lights that come from the sign is emitted on a 70% viewing angle and could be controlled to be darker colors to mitigate the brightness.

Commissioner Krippner pointed out that if somebody was driving along the freeway and within 10 seconds could see the sign about 1,000 feet away, so can the residents.

Mr. Schwartz indicated that because Simon Property Group was concerned about radiant light, it hired Smart Sign Design, a company pioneering the use of electronic sign with the dimming light effect so that it is not disruptive to the neighbors. The light will

not glare directly to the residential community. In addition, the four electronic entry signs will coincide with the operations of the mall hours while the freeway sign is expected to operate from 5 a.m. to 1 a.m. Compared to the auto dealer sign's 100% illumination, Mr. Schwartz indicated that their signs will only have 5% illumination.

The public hearing was closed.

Ms. Goodman confirmed with Commissioner Salinas that the proposed sign could be considered an external obsolescence and will definitely affect the value of the homes.

Commissioner Krippner stated that he believes the proposal was reasonable. He intends to vote in favor since he felt staff had considered its findings and imposed the required conditions.

Commissioner Cruz suggested that the Commission include an additional condition to require that 10 percent of the advertisement be devoted to public service.

Commissioner Nguyen expressed his intention to vote for the project as he was confident that the new technology of 5% illumination compared to the auto dealer sign's 100% illumination would mitigate the light glare.

In response to Commissioner Salinas, Mr. Langeland stated that to protect the residents, they will use the terminal switch to turn it off when the light is too bright. Mr. Schwartz concurred.

Mr. Christian Bettenhausen advised that any condition that the Commission may deem necessary could be added to the resolution.

Commissioner Salinas was still concerned about the height. However, Chairman Turro felt the height was reasonable for advertisement otherwise the applicant would have requested differently. Commissioner Krippner added that the higher the height of the sign, the less intrusive the light intensity would be in the freeway. Further, Mr. Bunstand indicated that studies have proven that for road safety, the advertisement should be kept as close to the driver's line of sight as possible.

Chairman Turro stated that he felt the light will not be obtrusive and as long as the applicant complies with the conditions.

Motion

Commissioner Krippner moved that the Commission approve Case No. 2004-69 subject to the conditions in the draft resolution and with the following additional conditions:

- 1) Applicant agrees that upon receipt of written notice from the City that the current levels of light emanating from the freeway-oriented sign are excessive, that it will take immediate action to dim that sign to levels that are mutually agreed upon between the City Engineer and applicant.
- 2) The freeway-oriented sign will only have a 70-degree viewing angle diodes.
- 3) The freeway-oriented sign shall utilize the automatic dimming software presented by applicant
- 4) Freeway-oriented sign will only be in operation from 5 a.m. until 1 a.m. and the four LED signs will only be in operation when the mall is in operation.

Chairman Turro seconded and the motion carried 5-0.

Ms. Lay informed the applicant or anyone who opposes the decision of the Commission has a 15-day appeal period to the City Council at no charge.

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. 2004-70 (Design Review - Administrative), an application filed by Brad Podosin, authorized agent for Fredrick Hanshaw, property owner of record, for property at 13850 Goldenwest Street, in the C2 (General Business) district. Applicant proposes exterior

modifications to an existing building for a new El Pollo Loco restaurant. Modifications include the addition of raised arched parapets to the western and southern elevations and changes to the color scheme of the building.

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 two items in the next Planning Commission meeting scheduled February 9, 2005, namely: Case No. 2004-71, 6731 Westminster Blvd. – CUP for beer and wine at Great Wall Buffet; and Case No. 2004-67, 7921 TPM 10th Street – Subdivision. She informed the Commission that the Mixed-Used Study will be completed in February and the Commission will have a chance to review it in a study session to be scheduled in March. She provided copies of the forthcoming APA Conference in San Francisco, March 19-23. All the Commissioners agreed to attend.

Council Review Items

There were no items reviewed by City Council during this reporting period.

City Attorney None

**Planning
Commissioners** None

Adjournment The meeting was adjourned at 9:20 p.m.