

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**August 3, 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, August 3, 2005 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Cruz, Krippner, Nguyen, Turro  
Commissioner absent:
- Staff Attendance** Steve Ratkay and Judy Kollar, Associate Planners; 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 Cruz.
- Approval of Minutes** The minutes of the regular meeting of July 6, 2005 were approved on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0.
- Oral Communications** There was no Oral Communications received.
- Written Communications** Mr. Steve Ratkay mentioned that a letter was received from a resident of 7611 23<sup>rd</sup> Street pertaining to Case 2005-16 which is an agenda item in tonight's meeting.
- Public Hearing** A. Case No. 2005-28 – Modification of Variance for an Existing Sign on Property Located at 5440 Garden Grove Boulevard (Continued from 6/22/05). The applicant is proposing to retrofit an existing electronic message board pylon sign. Modifications to the sign include replacing the existing light bulb electronic message board (6'7" x 34') with an LED display, increasing the overall sign area from 325 square feet to 556.3 square feet, and repainting the entire sign. The total height of the sign will remain at 85 feet. The applicant is requesting to modify the existing sign variance, Area

Variance AV-1052, which allowed a maximum sign area of 325 square feet and a maximum sign height of 85 feet.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2005-28 (Modification of Variance) subject to the conditions stated in the draft resolution.

Mr. Steve Ratkay informed the Commission that this item was continued from its June 22, 2005 meeting. He made a brief presentation of the proposal and discussed the findings required for its approval. Based on its findings, staff recommended that the Planning Commission approve Case No. 2005-28 subject to the conditions stated in the draft resolution.

The public hearing was opened.

Speaking in favor of the application was the applicant, Mr. Rod Wilson of Electra-Media Inc., 4737 W. 156<sup>th</sup> Street, Lawndale. He introduced the owner of the business and the engineer for the proposed LED electronic message sign. After 19 years of maintaining the existing pylon sign, Mr. Wilson indicated that the light bulb sockets for the sign are no longer repairable and had to be replaced with a new sign. The new sign will eliminate the bulb sockets and use LED electronic message board that would resist heat and moisture. The screen will allow a message to be presented in one frame instead of multiple frames as with the existing sign. Caltrans will regulate the operation of the LED electronic message sign and Sunset Ford operators will abide by the conditions imposed by staff. Mr. Wilson added that the new sign will have an automatic dimming device so that the intensity of its illumination could be adjusted. Compared to the old sign whose illumination is scattered everywhere, the LED electronic light would be directed only towards the freeway.

Mr. John Muse, engineer, 8951 Dartmouth Drive, Huntington Beach, stated that the effect of the cone-type illumination would be most significant on the Los Olivos Mobile Home Estates but less than the illumination produced by the existing sign, and past the 600-foot light cone, the illumination will become negligible. According to Mr. Muse, there is no significant adverse affect on the residents.

Mr. Anthony Caridi, co-owner of Sunset Ford, stated that he purchased the dealership last June. At that time, the dealership was financially struggling despite its great location. In order to improve the image of the business and stay competitive, they

decided to replace the existing sign with the new LED display sign. Mr. Caridi stated that the new sign will save them 10%-15% on the electricity bill.

Speaking for her neighbors, Ms. Rosemary Goldman of 5262 Clark Circle stated that they want quality of life free from noise and pollution, and to allow Sunset Ford to install the new LED sign is not in keeping in what they are hoping and working for. However, Ms. Goldman indicated that they would reverse their opposition if Sunset Ford would cooperate with their neighbors by not increasing the illumination of the new LED sign, maintain the original height, and work with the neighbors regarding balloons and signs.

In rebuttal, Mr. Caridi acknowledged that Sunset Ford will not succeed without community support. He reiterated that the LED electronic message sign will be less bright, and they will continue to listen and cooperate with the neighbors.

Mr. Muse stated that from Ms. Goldman's residence, the sign illumination will not be visible and will have no adverse effect on her residence and the surrounding neighborhood.

The public hearing was closed.

Since the illumination is focused on the freeway and not directly on the surrounding residences, Commissioner Cruz stated that he would support the proposal.

Ms. Goldman stated that she was not aware of Sunset Ford's new ownership, and if the new owners were willing to work with the neighbors such as reduction of balloons, removal of the whale mascot, and less sign illumination, she would not oppose the new LED electronic message sign. She indicated that she was now comfortable with the applicant's proposal and she will pass this information along to her neighbors.

Commissioner Krippner inquired if the new sign would provide community service announcements. Mr. Caridi responded they are willing not only to use 10% of display time for public service announcements during the day or night but would also post amber alerts.

After listening to the applicant, Commissioner Nguyen concluded that the new sign would benefit the business owner and will not adversely affect the community surrounding it. He intends to vote for the proposal.

Motion

Commissioner Krippner moved that the Commission approve Case No. 2005-28 (Modification of Variance) subject to the conditions stated in the draft resolution, including an additional condition that up to 10% of the time the electronic display screen is in use shall be devoted to public service advertising to be determined by the City. Commissioner Cruz seconded and the motion carried 5-0.

- B. Case No. 2005-16 – Zone Change, Tentative Parcel Map, Site Plan Review, and Design Review for Property Located at 7601 23<sup>rd</sup> Street. The applicant proposes to change the zoning from industrial to residential to allow the construction of three residential condominiums on a 12,774-square-foot lot. The two-story condominiums will each have three bedrooms, two and one-half bathrooms, and a two-car garage.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission recommend to the City Council adoption of Mitigated Negative Declaration MND 05-02 and approval of Case No. 2005-16 (Zone Change, Tentative Parcel Map, Site Plan Review, and Design Review) subject to the conditions stated in the draft resolution.

The Planning Commission received staff recommendation to recommend to the City Council adoption of Mitigated Negative Declaration MND 05-02 and approval of Case No. 2005-16 (Zone Change, Tentative Parcel Map, Site Plan Review, and Design Review) subject to the conditions stated in the draft resolution.

The public hearing was opened.

The applicant and designer of the project, Mr. Tim Harris of 6020 Sugarwood Street, Lakewood, stated that he had worked with staff since October 2004 and the proposed project complies with Code requirements. He explained that the owner currently shares a driveway easement with the adjacent neighbor and a new 25-foot driveway will be built which will include this shared easement.

Speaking in opposition was Mr. Edmond Murett of 1740 Bloomfield Avenue, Cerritos. He stated that the Becerra family owns the adjacent property which has a driveway that is currently being used. Mr. Murett was concerned that considering the proposal's increased traffic activity without a pedestrian lane access would be very unsafe not only for the condominium residents but for the Becerra family. He suggested that the condominiums should be

oriented towards the west of the proposed site where there is also an existing driveway.

In rebuttal, Mr. Harris indicated that Planning staff had advised him to use the existing easement as a driveway. If the building is oriented towards the west, it would not allow the use of the easement and reduce the size of the proposed project.

Ms. Judy Kollar explained that Engineering staff had studied the parcel map which provides a detailed description of the shared driveway easement. Conditions Nos. 16 and 17 of the draft resolution require that the final map shall be consistent with the approved site plan regarding the shared driveway easement, approved by the City and recorded with the Recorder's Office.

Commissioner Bertels was concerned about the technical legal problems involved in the project.

The public hearing was closed.

Commissioner Nguyen felt that the project as proposed is within all City requirements.

**Motion**

On motion of Commissioner Nguyen, seconded by Commissioner Krippner, the Commission recommended that the City Council adopt Mitigated Negative Declaration MND 05-02 and approve Case No. 2005-16 (Zone Change, Tentative Parcel Map, Site Plan Review, and Design Review) subject to the conditions stated in the draft resolution. The motion carried 4-1, Commissioner Bertels dissented.

**New Business** A. General Plan Consistency of Proposed Capital Improvement Projects, Fiscal Year 2005-06.

**STAFF RECOMMENDATION:** Public Works staff recommends that the Planning Commission find that the proposed Capital Improvement Projects are consistent with the Westminster Comprehensive General Plan.

Mr. Adolfo Ozaeta of the Public Works Department recommended that the Planning Commission find that the proposed Capital Improvement Projects are consistent with the Westminster Comprehensive General Plan. He was available to answer any questions.

On motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0, the Commission approved that the proposed Capital Improvement Projects are consistent with the Westminster Comprehensive General Plan.

**Old Business**

Approval of Revised Resolution for Case No. 2005-23 – Administrative Adjustment for Property Located at 16320 Jupiter. Approval of the revised resolution would allow construction of a 1,663-sq.-ft. second-story addition to a single-family residence 12 ft. 4 in. from the rear property line, encroaching 7 ft. 8 in. into the required 20-ft. setback.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve the revised resolution approving, with conditions, Case No. 2005-23 (Administrative Adjustment).

Since the Planning Commission approved the above case at its meeting of July 6, 2005, Ms. Kollar stated that staff was directed to prepare a resolution which would include conditions to protect the privacy of adjacent property owners and that no building permits be issued for the project until the city receives written confirmation from Midway City Sanitary District that adequate sewer capacity exists to serve the project.

Motion

On motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0, the Commission approved the revised resolution of Case No. 2005-23 (Administrative Adjustment).

**Administrative Approvals**

The Planning Commission received notification that the following items were reviewed by the Planning staff. The decision of the items becomes final unless such decision is appealed to the Planning Commission or the Planning Commission requests further review.

- A. Case No. 2005-31 (Administrative Adjustment), an application filed by Ly Phan, property owner of record for property located at 14931 Bowen Street in the R1 (Single-Family Residence) district. The applicant proposes to add two new bedrooms and bathrooms to the rear of an existing single-story home. The addition will be 10 ft. 6 in. from the rear property line, therefore, encroaching 9 ft. 6 in. into the required 20 ft. rear yard setback.

DECISION: The decision was to approve the project subject to conditions.

Commissioner Bertels called up the above item for further review.

- B. Case No. 2005-33 (Administrative Design Review), an application filed by Jason Kozora, authorized agent for Christian Kelley, property owner of record for property located at 13950 Milton Avenue. The applicant proposes the installation of 12 wireless panel antennas mounted behind the existing screen walls on top of a multi-story office building. All associated equipment will be housed in an interior suite on the 4<sup>th</sup> floor within the building or behind the existing roof top screens.

DECISION: The decision was to approve the project subject to conditions.

The Commission received and filed the above item.

### **Reports and Comments:**

**Planning Director** Mr. Ratkay informed the Commission that he and Ms. Kollar are the only full-time staff in the Planning Division, however, recruitment is ongoing for the vacant positions and a part-time contract planner has been hired in the interim. A number of projects have been put aside due to heavy case load and limited staff.

Mr. Ratkay mentioned that the next Planning Commission meeting is scheduled for August 10 in the Crafts Room of the Community Services Building to discuss the Mixed-Use Strategy Study, and for August 17, there will be two public hearing items, namely: Case 2004-29 (CUP/SP/DR) 9800 McFadden – Monopine; and Case No. 2005-38 (HBC 005-18) 5572 Norma – home business permit for a travel agency.

Council Review Items – At its regular meeting of July 13, 2005, the City Council called up for review Case No. 2005-27 (SP/DR) pertaining to the construction of three condominiums on property located at 14072 Goldenwest Street. This item is tentatively scheduled for a public hearing at the Council meeting of August 24, 2005.

In addition, the Council tentatively called up for review Case No. 2005-23 (AA) pertaining to a reduced rear setback for a second-story addition to the single-family residence located at 16320 Jupiter Circle. This item will require Council review only if the Midway City Sanitary District's sewer system lacks the capacity to serve the project.

Ms. Kollar updated the Commission that the above case will no longer be heard by the City Council after the Midway City Sanitary District confirmed that there is sewer capacity for the above project.

**City Attorney** None

**Planning Commissioners** Commissioner Cruz observed an abundance of stray shopping carts in the City and expects the City to take action to control it.

Commissioner Bertels requested an update relating to the alleged violations he reported in the last meeting of July 6, 2005. Likewise, Chairman Turro wanted to know the status of his complaint relating to abundance of post signs from Bushard to Ward Streets in the corner of Bolsa Avenue. Commissioner Bertels concurred there are numerous banner signs posted along Bolsa Avenue and Brookhurst Street. Staff assured the Commission that their complaints will be forwarded to Code Enforcement.

**Adjournment** The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Maria Moya  
Department Secretary