

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 7, 2005
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, September 7, 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: None
- Staff Attendance** Art Bashmakian, Interim Planning Director; Steve Ratkay, Associate Planner; Virginia Viado, Contract Planner; Maria Moya, Department Secretary; and Krista Jee, 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 meetings of August 10, 2005 and August 17, 2005 were approved on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0.
- Oral Communications** There were no Oral Communications received.
- Written Communications** There were no Written Communications received.
- Public Hearing** A. Case No. 2005-34 – Conditional Use Permit at 5952 Westminster Boulevard. CUP for off-sale beer, wine, and distilled spirits at an existing supermarket. The applicant is requesting a conditional use permit for an Alcoholic Beverage Control Type 21 license for the sale of beer, wine, and distilled spirits for off-site consumption at a 23,200-square-foot supermarket (Ranchito Supermarket).
- STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2005-34 (Conditional Use Permit) subject to the conditions stated in the attached draft resolution.

Ms. Virginia Viado made a brief presentation on the background of the proposal and discussed the findings required for approval for off-sale beer, wine, and distilled spirits at 5952 Westminster Boulevard. Ms. Viado mentioned that a copy of the applicant's affidavit for the CUP application had been provided to the Commission to clarify questions from the City Council related to sale of alcoholic beverages. With the recommended conditions of approval, staff supported approving a conditional use permit for the sale of beer, wine, and distilled spirits for off-site consumption subject to the conditions included in the draft resolution.

The public hearing was opened.

Ms. Angelica Hernandez, contact person/applicant of 5952 Westminster Blvd. , supported the Conditional Use Permit proposal.

The following spoke in opposition. Mr. Ron Siebert of 5881 Lancashire complained about the appalling condition of the business site. Although Mr. Siebert's concerns were valid, Chairman Turro indicated that this was a code enforcement issue and unrelated to the proposal. Mr. Bashmakian noted that he would report Mr. Siebert's complaints to Code Enforcement.

Mr. Jerry Hereford, 5891 Lancashire, indicated there are already two or three liquor stores within the block and an additional liquor store was unnecessary. He expressed concern about how management would control the sale of alcoholic beverages. Also, Mr. Hereford pointed out that if management cannot maintain and control the back area of the business which is in very bad condition, how could it control the customers who consume alcohol in the back area? He informed the Commission that he had reported the business' violations to Code Enforcement but nothing has been done. He also took pictures of the deteriorating condition of the business area which has worsened through the years.

Mr. Steven Smith, 5861 Lancashire, concurred that there are already a number of liquor stores in their area and they did not need another one. According to Mr. Smith he already complained to the business about its worsening condition but the business denied not maintaining the area. Chairman Turro reiterated that these concerns were code enforcement issues and will be reported to Code Enforcement staff.

Speaking in rebuttal, Ms. Hernandez responded they will comply with state law relating to off-sale of alcoholic beverages. She indicated that the approval of the Conditional Use Permit would

improve their business and provide more employment. She assured the Commission that they will deal with the neighbors' complaints accordingly and will report to the Police Department if they see people drinking alcohol at the back area of the business.

The public hearing was closed.

Commissioner Krippner noted that the sale of alcoholic beverages is within the limits allowed by the state, and since there is no other application at this time, he did not see any reason disapproving the proposal. He intends to vote for it. Chairman Turro agreed with him adding that the Police Department did not see any problems associated with the sale of alcoholic beverages in the area. Commissioner Nguyen believed in free competition since four licenses are allowed in that area. Lastly, Commissioner Krippner mentioned that the Police Department does not anticipate the proposed license change will increase the calls for service at that location.

Motion

On motion of Commissioner Cruz, seconded by Commissioner Krippner, and carried 5-0, the Commission approved Case No. 2005-34 (Conditional Use Permit) subject to the conditions stated in the attached draft resolution.

- B. Case No. 2005-39 – Modification to Area Variance AV-1013 at 6312 Garden Grove Boulevard. Modification to an existing sign variance to allow an increase in the sign area from the previously approved 310 square feet to 511.2 square feet, instead of 100 square feet of sign area allowable by the Municipal Code. 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 310 square feet to 511.2 square feet, and repainting the entire sign. The total height of the sign will remain at 60 feet. The applicant is requesting to modify the existing sign variance, Area Variance AV-1013, which allowed a maximum sign area of 310 square feet and a maximum sign height of 60 feet.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2005-39 (Variance) subject to the conditions stated in the attached draft resolution.

Ms. Viado provided the background and analysis of the proposal and justification for granting a variance. Based on staff's analysis and findings of the proposal, Ms. Viado recommended that the

Planning Commission approve Case No. 2005-39 (Variance) subject to the conditions stated in the attached draft resolution.

The public hearing was opened.

Speaking in favor of the proposal was the applicant, Mr. Rod Wilson of Electra-Media Inc., 6312 Garden Grove Blvd. He acknowledged the presence of the co-owner of Sunset Ford, Mr. Anthony Caridi, and Mr. John Muse, engineer, 8159 Dartmoor Drive, Huntington Beach. Mr. Wilson indicated that they are upgrading the existing light bulb electronic message board which is harder and more expensive to maintain. He stated that the new LED sign would more effectively communicate to the buyers and increase sales. He was agreeable to the conditions of approval.

Mr. John Muse explained the area most affected by the new LED sign is 13902 Seneca which would have about 1/6 of the illumination of the old sign and 13013 Spring Garden Lane which would have 0.11 illuminations of the new sign and 0.6 illuminations of the old sign. The area beyond 600 feet would have negligible illumination. In summary the homes affected would be better off with the new sign than the old sign.

Mr. Anthony Caridi indicated that the existing signs are 20 years old and expensive to maintain. The new LED sign would improve the image of the business, improve sales, significantly cut down electricity bills, and will be more environmentally friendly.

In opposition, Ms. Doris Hunter of 13011 Taos Place, stated that more residents would have come to oppose the proposal but could not due to the school opening. She indicated that she did not oppose the existing sign when it was proposed but when it was put up, it became a gigantic sign which she felt was out of place in a residential area. She stated that the light never turns off at night. She also expressed concern for those who sleep during day since light is brighter during daytime and remains bright even during night time.

Mr. Dan Schwab, 6531 Anthony Avenue, stated that the existing sign shine directly through their bedroom windows which had significantly impacted their quality of life. He noted that the flashing effect is more disturbing than a consistent single light and the multicolor LED display is received differently by the human eyes at night regardless of its dimming effect. He concurred with Ms. Hunter that the lights are never turned off in the evening. He confirmed with Commissioner Krippner that the new sign would be

worse than the old sign. He also mentioned that some of his neighbors did not receive the public notice. Chairman Turro stated that all property owners were sent public notices within 500-foot radius of the proposed site.

In rebuttal, Mr. Wilson explained that the new technology would not only be less glaring but it would not be allowed by Caltrans to have continuous motion. It would have more fading capability since it could be allowed to dim more, fading the image off and on. He assured the Commission that the light will be turned on at 5 a.m. and turned off at 10 p.m. every night according to the terms of the conditions.

After checking the illumination on Ms. Hunter's house, Mr. Muse concluded that it is less than 0.7 illuminations, and the neighboring area in Anthony Street would have very negligible illumination. In summary, he stated that the residents will be better off with the new sign and left in worse condition with the old sign.

Mr. Caridi reiterated Mr. Wilson's statements and apologized if the sign was not turned off at 10 p.m.

The public hearing was closed.

With his engineering background, Commissioner Nguyen noted that the new technology is better and intends to vote for it.

Chairman Turro concurred with Commissioner Nguyen and added that he was pleased the sign will be used for public service and amber alerts. He believed that it was necessary to do business in that area. He also intends to vote for it.

Motion On motion of Commissioner Nguyen, seconded by Commissioner Bertels, and carried 5-0, the Commission approved Case No. 2005-39 (Variance) subject to the conditions stated in the attached draft resolution.

New Business There was no New Business scheduled for review.

Old Business There was no Old Business scheduled for review.

Administrative Approvals The Planning 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. 2005-41 (Administrative Adjustment) The applicant proposes a room addition and the expansion of existing rooms at the rear of a residence located at 15402 Neece Street. An administrative adjustment is required because the addition will encroach 10 feet into the required 20-foot rear yard setback.

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

Commissioner Bertels expressed his opposition against Administrative approvals.

The Commission received and filed above item.

Reports and Comments:

Planning Director Mr. Art Bashmakian mentioned there will be two items in the next Planning Commission meeting scheduled September 21, 2005: Case 2005-30, 15042 Goldenwest – Variance for new pylon sign; and Case 2005-31, 14931 Bowen – reconsideration of approval of reduction of rear setback.

City Attorney None

Planning Commissioners Commissioner Bertels stressed that the City needs more Code Enforcement Officers as the illegal banners signs continue to proliferate along Bolsa Avenue and Brookhurst Street. On one occasion, he called the phone number written on the illegal sign, identified himself, requested to remove the banner, and they were removed. He indicated that he did not want to do the policing but pointed out that enforcement is necessary. Once more, Commissioner Bertels reported that the rabbit hatches are still in the front yard at 15721 Candlewood.

Commissioner Krippner concurred with Commissioner Bertels.

Commissioner Cruz reported that there are less stray shopping carts in the City but the problem continues.

The Commission allowed Mr. Mark Miller, a Westminster resident, to speak relating to the stray shopping carts. He stated that the company that the City contracts with does not respond to calls on stray shopping carts.

Commissioner Nguyen agreed with Commissioner Bertels regarding illegal banners and signs. Just like Commissioner

Bertels, he called the number on a banner posted in the median and asked that it be taken down. The illegal banners remained in the median center and he has not seen any Code Enforcement staff work on the violations. He took photos of the illegal banners and asked staff to deal with the violations. Living close to Little Saigon area, Commissioner Nguyen reported that there are many homeless people gathering in a vacant store where the Post Office is located, loitering and harassing people. He stated that Police Department had been contacted but the problem persists so he wants the City to do something done about it

Just like the Planning Commissioners, Commissioner Krippner commented that City Council is free to voice its concerns and insights and it has the right to accept or reverse any Planning Commission decision. Related to it, Chairman Turro stressed that not everyone could be satisfied with any decisions despite its consideration by staff, Planning Commission, and City Council.

Adjournment

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Maria Moya
Department Secretary