

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**May 3, 2006**  
**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, May 3, 2006 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, Planning Manager; Michael Patterson, Assistant Planner; 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** Referring to the minutes of April 5, 2006, Page 4, second to the last paragraph, line 3, Commissioner Krippner clarified that "curve" should be "curb".
- The minutes of the regular meetings of April 5 and April 12, 2006 were approved with the clarifications as noted, on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0.
- Oral Communications** Mr. Robert Cavin of 15381 Cunningham Avenue referred to an Orange County Register article dated April 29, 2006 about an alleged bribery relating to an application for a two-story building project that was approved by the Planning Commission and the City Council. He wanted to know if City Council was aware of the alleged bribery before it approved the project. Since Mr. Christian Bettenhausen and Mr. Art Bashmakian did not have the information, they advised Mr. Cavin to refer his question directly to City Council.
- Mr. Donald Wolf of 9731 Sinclair Circle, Garden Grove, referred to the May 3, 2006 edition of the Orange County Register article pertaining to the monstrous two-story residential building at 14681 Wakefield Street. Mr. Wolf informed that he tried calling the Planning Division and the Commissioners while the subject house was being

built due to several concerns, such as: privacy; oversized house; depreciating property value in the neighborhood; and construction debris. Further, Mr. Wolf expressed concern about the possibility that the residential building may turn into a care facility because an elevator was installed inside the house.

Considering Mr. Wolf and a number of people were present to express concerns concerning “mansionization” within the City, Mr. Bettenhausen suggested that the Commission either change the order of the agenda by considering Section X.D of the agenda first, or wait until the end of the agenda when the “mansionization” issue is scheduled to be discussed. The Commission voted unanimously to take Section X.D out of order in the agenda and consider it first.

## Reports and Comments

- Planning Commissioners**
1. Discuss and take possible action requesting that the City Council initiate a zone text amendment which would address the size of new single-family houses and additions to single-family houses.

Mr. Zak Memen of 9762 Cornwall Avenue, lives adjacent to the “taj majal” house at 14681 Wakefield Street. He stated that he and his neighbors were not informed about the house project, and when he came to City Hall, he was informed that the construction was in conformance with plans even if he thought the house was a three-story and not a two-story building. He claims that his backyard is filled with construction debris all the time, and his fence began tilting due to the weight of construction materials from the project site. He recently consulted with the Building Official to check if it was legal for the adjacent owner to chain his fence to a scuffle.

Ms. Laverna Murphy of 9812 Cheshire Avenue, indicated that the “monster” house should never have been allowed to be built as it is too big for the neighborhood. She complained about the construction trash and requested the Commission to do something about it. Mr. William Wilson of Cheshire Avenue expressed the same concerns.

Mr. Mamud Maji of 14671 Wakefield Street, complained that construction at 14681 Wakefield house starts as early as 5:30 a.m. or 6 a.m. and ends up until 9 p.m. He was concerned about privacy issues and urged the Commission to limit the size of homes in small neighborhoods in Westminster.

The previous speaker, Mr. Donald Wolf, indicated that he called and reported to the Police Department that construction work in the Wakefield house begins very early in the morning. Although the

Police staff did visit the site, construction continued on. With the building almost completed, he was very concerned about invasion of privacy.

Mr. Robert Cavin of 15381 Cunningham Avenue, referred to another monster house at 10200 Cunningham Avenue. He stated there is no privacy since the view of the whole neighborhood could be seen from the mansion house. He urged the Planning Commission to inform the residents within the neighborhood when projects such as these mansions are proposed. Despite all their complaints, Mr. Cavin indicated that the house is almost complete.

Ms. Kathy Wolf of 9731 Sinclair Circle, indicated that the monster house in Wakefield Street changed the atmosphere of their small neighborhood community because it stands out amid the surrounding small homes. She complained about lack of privacy and urged the Commission to reconsider these inconsiderate housing projects.

Ms. Janet Peterson of 14531 Wakefield Street, stated that these big houses should never have been allowed as they are ruining the atmosphere of their community.

Commissioner Cruz felt that the sizes of proposed or remodeled homes should depend on the size of the lot, such that a 5,000 sq. ft. house will not be allowed on a third-of-an-acre size lot.

Commissioner Bertels stated that the City limit a maximum of 2,500 sq.ft. house in an R-1 zone.

Chairman Turro indicated that the monstrous homes ruin the aesthetic of compact, one-story homes neighborhoods. He expressed concern on how these oversized homes will end up when they are sold. Commissioner Bertels responded it may turn into a board and care facility, like his neighbor, where ambulances are summoned all the time. On the other hand, Chairman Turro noted there is nothing the City can do as long as the house meets all code requirements. He stressed the importance of bringing up the "mansionization" issue to City Council for its reconsideration.

Commission Bertels indicated that current zoning should be amended, and encouraged the public to attend the City Council meeting to let the Council Members know about their concerns. Chairman Turro explained the City does not send out notifications except in cases of variance applications, when the property owner within the 500-foot radius of the proposed project is notified.

Motion

Chairman Turro moved that the Planning Commission request that the City Council initiate a zone text amendment which would address the size of new single-family houses and additions to single-family houses. Commissioner Bertels seconded.

Mr. Art Bashmakian informed the Commission that the zone text amendment will be presented on the May 17 City Council meeting. The meeting is scheduled at 7 p.m. at the Council Chambers and there will be no notification for this meeting. He added that interested parties should take note of City Council agenda in case this item is moved to another meeting.

The motion carried 5-0.

The Commission observed a recess at 7:30 p.m. and reconvened at 7:40 p.m.

**Written Communications**

There were no Written Communications received.

**Public Hearing** A. Case 2005-69, Tentative Parcel Map, Site Plan Review, Design Review. Located at 14101 Pacific Avenue. Application for Tentative Parcel Map, Site Plan Review, and Design Review to allow the construction of four (4), new, two-story townhouse-condominium units.

STAFF RECOMMENDATION: That the Planning Commission approve the Tentative Parcel Map, Site Plan Review, and Design Review subject to the conditions included in the proposed resolution.

Mr. Michael Patterson made a brief presentation on the background and analysis of the proposal. Based on staff findings, the Commission received staff recommendation to approve the Tentative Parcel Map, Site Plan Review, and Design Review subject to the conditions included in the proposed resolution.

The public hearing was opened.

Mr. Mike Rudar of 7831 15<sup>th</sup> Street who lives adjacent to the proposed property was in favor of the proposed 6-foot wall within the front setback of the proposed condominium units.

Ms. Natasha Rudar of the same address was in favor of the proposed plan but expressed window concerns on the layout of the property.

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

Commissioner Bertels wanted to make sure that the driveway will not allow parking in case of fire. Chairman Turro stated that staff's 57 proposed conditions, specifically Condition No. 25 on Page 10 of 16, was imposed to mitigate any fire concerns.

Motion

On motion of Commissioner Cruz, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approved Case No. 2005-69 (Tentative Parcel Map, Site Plan Review, and Design Review) subject to the applicable standard planning, building, engineering and fire conditions and the 57 stipulations stated in the draft resolution.

- B. Case 2006-12, Conditional Use Permit, Design Review, Variance. Located at 9429 Edinger Avenue. Construction of a wireless communications facility mounted to a 50-foot-tall flagpole.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit, design, and variance subject to the conditions included in the proposed resolution.

Mr. Art Bashmakian indicated that this proposal is a wireless telecommunication facility which will be mounted on a 50-foot flag pole with power connection cabinet located in a block enclosure near the base of the new flagpole. He informed the Commission that staff received a letter, copies of which had been provided to the Commission, from a nearby resident, Mr. Chris Chialtas of 16082 Caribous Street, Fountain Valley, who expressed some concerns about the proposal. However, based on staff findings and analysis, staff concluded that the proposed project complies with the Municipal Code subject to the conditions in the draft resolution.

The public hearing was opened.

Representing the applicant TMobile, Mr. Paul Gerst of Sequoia Deployment Services, One Venture, Suite 200, Irvine, spoke in favor. In response to comments regarding possible AM/FM interference, Mr. Gerst explained that the radios are very sophisticated, regulated by the Federal Communications Commission (FCC), and has not been known to interfere with radio waves. He added this wireless communication facility was previously approved by the Commission for Cingular Wireless which was eventually purchased by TMobile. TMobile is now pursuing entitlements for the site.

Mr. Clyde Woodruff, director for business affairs for property owner, 9421 Edinger Avenue, was in favor of the proposal.

Speaking in opposition was Mr. Chris Chialtas of 16082 Caribous Street, Fountain Valley. After having seen a photo simulation of the finished project, Mr. Chialtas indicated that it was not as bad as he thought it would be. However, he was still concerned about the increasing blight in that area and potential health hazards this wireless communication could cause. Chairman Turro indicated that federal government regulates these wireless facilities including health concerns.

In rebuttal, Mr. Gerst informed the Commission that the property will be beautified as the roof will be replaced with tiles or repainted and the parking lot will be resurfaced. Concerning health issues, he stated that the federal government is addressing the health issues since it has jurisdiction over these cellular facilities. In addition, Mr. Bashmakian indicated that FCC had established health and safety guidelines to address these health issues.

The public hearing was closed.

Motion

On motion of Commissioner Krippner, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approved Case No. 2006-12 subject to the applicable standard planning, building, engineering, and fire conditions and the following stipulations as listed in the draft resolution.

- C. Case 2006-19, Conditional Use Permit and Design Review. Located at 8600 Palos Verdes Avenue. Construction of a wireless communications facility on an existing Southern California Edison transmission tower.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit and design subject to the conditions included in the proposed resolution.

Mr. Bashmakian stated that this is another wireless facility proposal on the existing Southern California Edison transmission tower. He displayed photos of the existing tower and a photo simulation with the antennas on the tower and an equipment structure below the tower. He stated that this proposal is very similar to the two other communication facilities that the Commission previously approved. Based on staff findings and analysis, the Commission received staff recommendation to approve this proposal subject to conditions.

The public hearing was opened, and speaking in favor was Mr. Paul Gerst of Sequoia Deployment Services, One Venture, Suite 200, Irvine.

Ms. Nancy Grey of 15781 Maybrook Street read her letter of opposition which she provided to the Commission. She expressed the following concerns: the structure will negatively affect their home and property value; choice of a more appropriate site; possible non-compliance by the applicant with the approved plan; and landscaping issues. She displayed photographs showing the distance of the towers from her house.

Mr. David Grey of the same address reiterated the same concerns expressed by his wife, Nancy.

Commissioner Krippner recused himself from the hearing as he lives within the 500-foot radius of the proposed property site.

In rebuttal, Mr. Gerst explained that they have investigated various alternative cellular sites but demand for cellular coverage within residential neighborhoods had increased. He stated that the top of the building will be opened and screened with a block wall, and although landscaping is not allowed directly under the tower wires, they will replace the surrounding dead landscaping and put some trees in Grey's backyard. He stated they would eliminate the roof feature and install a 7-foot stucco wall to screen the base transceiver stations. Mr. Bashmakian noted a block wall is an acceptable screening feature. Mr. Grey suggested tiles around the block wall.

Mrs. Grey was concerned about graffiti, but Chairman Turro assured her that the wireless company is required to maintain the equipment shelter.

Regarding landscaping, Mr. Gerst stated that he will investigate the possibility of planting trees on the 3-foot space between the Grey's wall and the chain link fence. Mr. Bashmakian commented landscaping should also comply with Code.

Mr. Bettenhausen suggested that the Commission could approve the proposal with a condition that the landscaping issue will be worked out between the applicant and the property owner. However, Chairman Turro felt it was necessary that the Commission determine the maximum height measurement of the equipment shelter. Commissioner Bertels commented that the landscaping agreement reached between the developer and the

Greys could be approved administratively. In response to Chairman Turro, Mr. Gerst stated the structure could go up to 8 feet in height with three tiers of tiling in a slight angle. He told the Commission he would work with the Greys and check with Edison regarding landscaping.

The public hearing was closed.

**Motion**

Commissioner Cruz moved that the Planning Commission approve Case No. 2006-19 subject to the applicable standard planning, building, engineering, and fire conditions and the following stipulations listed in the resolution and subject to the Planning Manager's approval of the landscaping issue having the applicant and the adjacent residents work out a satisfactory landscaping arrangement, and also subject to the height limitation of 8 feet. Commissioner Bertels seconded, and the motion carried 4-1, Commissioner Krippner recused himself.

**New Business**

There was no New Business scheduled for review.

**Old Business**

- A. Case 2003-56, Amendment. Located at 13942 Cedar Street. The applicant is requesting the Planning Commission determine an existing block wall, along the north property line of the subject property, is *decorative* to satisfy a condition of approval of Resolution No. 3823.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission determine if the existing block wall is decorative.

Mr. Bashmakian indicated that staff supports the applicant's request that the Commission determine the existing block wall is decorative and satisfies a condition of approval of Resolution No. 3823.

Mr. Jim Miller, Executive Director for American Family Housing, indicated that this condition was probably overlooked and should not have been there when the entitlements for this project were initially requested. He expressed his willingness to paint the walls to match the color of the building.

**Motion**

On motion of Commissioner Bertels, seconded by Chairman Turro, and carried 5-0, the Commission determined that the existing block wall is decorative and satisfies the condition of approval of Resolution No. 3823.



**Administrative Approvals** The Planning Commission received notification that there was no Administrative Approval item reviewed by the Planning Manager.

**Reports and Comments:**

**Planning Manager** Mr. Bashmakian informed the Commission that staff met yesterday with Mayor Rice, Council Member Fry, and concerned residents who made similar complaints as those heard earlier regarding the “mansionization” issue. These residents are supporting a zone text amendment that will address the “mansionization” issue, and it would be up to City Council to consider it. Secondly, Mr. Bashmakian informed the Commission that a flyer is being circulated around the City stating that the City of Westminster is approving a storage facility project in Newland and the 405 freeway. He stated that many residents are opposed to it and clarified that the project is still under review by staff. It will be up to the Commission to either approve or deny this project when it is scheduled for its consideration.

**Follow-up to Commissioners’ Comments** 1. Presentation by Public works Department regarding unauthorized parkway trees.

Mr. Bashmakian conveyed Public Works Director Marwan Youssef’s apology as his staff is unable to give a presentation to the Commission until the next meeting. Commissioner Bertels provided more pictures to staff and was upset that the unauthorized parkway trees have not been removed despite his complaints the past three months. He stated he will go to the Mayor to let her know these are going on without the approval of the City.

**City Attorney** None

**Planning Commissioners** Chairman Turro commended staff for putting together the 57 conditions for Case 2005-69.

**Adjournment** The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Maria Moya  
Department Secretary