

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**June 21, 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, June 21, 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; Chris Wong, Assistant Planner; Maria Moya, Department Secretary; and Tom Duarte, 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 June 7, 2006 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 2006-46, Special Advertising Permit.** Located at 1025 Westminster Mall. Application for a special advertising permit to temporarily display large helium balloons in conjunction with a temporary used car sales event in the parking area of the Westminster Mall.
- STAFF RECOMMENDATION: That the Planning Commission approve the temporary display of large helium balloons for a temporary used car sales event.
- Mr. Chris Wong made a brief presentation on the applicant's request to temporarily display a maximum of four large helium

balloons in the northern parking area of the Westminster Mall to advertise for a temporary used car sales event. He stated that the Commission previously approved a similar request to temporary display two non-helium advertising devices in conjunction with the same temporary used car sales event. Based on staff's findings and analysis, the Commission received staff recommendation to approve Case 2006-46 subject to the conditions listed in the draft resolution.

No one spoke in favor nor against the request, and the public hearing was closed.

Responding to Commissioner Cruz's request to explain No. 5 of page two of the staff report, Mr. Wong clarified that No. 5 was one of six circumstances which must exist in order for the Commission to grant a business a special advertising permit. Circumstance No. 5 requires that the advertising display be temporary but the proposed time period be longer than the maximum allowed under a special event permit. However, this requirement did not specifically apply to the project because the proposed advertising display time period was shorter than the maximum allowed under a special event permit.

Commissioner Krippner inquired why this request was not considered earlier by the Commission since the application was received last May 24, 2006. Mr. Wong explained that due to noticing requirements, there was insufficient time to send out public hearing notices for the June 7 meeting.

Commissioner Krippner was uncertain if the advertising request would increase sales or generate more competition to local auto businesses. Chairman Turro commented that competition was not an issue and it would be difficult to determine its effect on the local auto businesses.

Due to limited information to base his decision, Commissioner Krippner indicated that he intends to vote against the request. However, Chairman Turro felt that since this request would be used for advertising in conjunction with the same temporary used car sales event previously approved by the Commission, he was in favor of it.

Motion

Commissioner Bertels moved that the Commission approve the temporary display of large helium balloons for a temporary used car sales event. Commissioner Cruz seconded, and the motion carried 4-1, Commissioner Krippner dissented.

**B. Case 2006-17, Conditional Use Permit.** Located at 14022 Edwards Street. Application for a conditional use permit for an Alcoholic Beverage Control Type 20 license to allow the sale of beer and wine for off-site consumption at a new mini-market within the G.Q. De Plaza, which is currently under construction.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit based on the findings and conditions included in the proposed resolution.

Mr. Wong stated that staff supports the applicant's request for a conditional use permit to authorize the sale of beer and wine for off-site consumption at a new mini market at 14022 Edwards Street based upon the project's compliance with the Municipal Code and comments received from applicable City departments.

The public hearing was opened.

Speaking in favor of the application was applicant and co-owner of the retail business, Mr. Giang Hoang Vu of 310 S. Linhaven Circle, Anaheim. After introducing his other associates, Mr. Vu stated that as co-owner of the building, he is very concerned with public safety and assured the Commission that the sale of beer and wine will not adversely affect the surrounding areas. He indicated that their employees will be trained to sell alcoholic beverages and appropriate signs will be posted in different languages. He was available to answer any question.

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

Chairman Turro was concerned that even if there have been no excessive problems in the area, the conditional use permit, if approved, would be the eighth in the area. He stressed, however, that despite this fact, he always considers the merits of every request on a case by case basis.

Commissioner Krippner was concerned the project site is located in a high crime area and felt it would be unwise to allow an undue concentration of additional sale of beer and wine in that location. He intends to vote against it. He appealed to the other Commissioners to vote against the request.

Commissioner Cruz questioned why seven sites for sale of alcoholic beer and wine were permitted when only five were allowed by the Alcoholic and Beverage Control (ABC). Mr. Wong

responded that ABC allows the City to go beyond the level of concentration if specific findings are established.

Commissioner Nguyen noted that although the project site is in a high crime area, he felt that the applicant deserves a chance to sell beer and wine since the applicant has invested substantially to improve the property, trained his employees, installed surveillance cameras and signs, and has agreed to comply with staff's conditions. Thus, Commissioner Nguyen was in favor of the proposal. On the other hand, Commissioner Krippner stated that even if the retail building is already under construction, it should not force anyone from opposing the request as he felt certain areas do not need anymore sale of beer and wine.

Although Commissioner Bertels understood Commissioner Krippner and Chairman Turro's concerns, he was confused because staff recommended approval. Mr. Art Bashmakian reiterated the permit was recommended for approval based on staff's findings mentioned by Mr. Wong, but the Commission could always decide otherwise.

In order to provide a chance for the applicant to answer Commissioner Nguyen's request to address the concerns, Mr. Tom Duarte advised the Commission to reopen the public hearing. On motion of Chairman Turro, seconded by Commissioner Krippner, and carried 5-0, the public hearing was reopened.

The applicant's business adviser, Mr. Bob Beers of 8955 Riverbend Drive, Huntington Beach, stated that the applicants are improving the building and will generate additional tax revenue for the City. He indicated that although beer and wine would occupy a minimal area in the mini market, the business will lose a lot of business without it. He felt that the additional permit to sell beer and wine in the area would not generate additional crime in the area because even the Police Department had no concerns.

The public hearing was closed.

Commissioner Nguyen stated that he would not have supported the request if the law limits the permits to only five. Mr. Duarte and Mr. Bashmakian clarified that it is only a criteria.

Chairman Turro opposed the permit to allow the eighth additional permit for beer and wine in the area and would vote against it.

Commissioner Krippner clarified that he was not against the sale of beer and wine, and if this area has number of permits below the ABC's criteria of five, he would probably support it. He wanted to hear from residents who live within a high crime area how the additional permit for sale of beer and wine will impact them.

Mr. Duarte advised that the Commission reopen the public hearing. On motion of Commissioner Nguyen, seconded by Commissioner Krippner, and carried 4-1, Chairman Turro dissented, the public hearing was reopened.

Mr. Youssry Elmassry of 8382 Amberwood Circle, stated that he was supportive of the permit because of the convenience of buying everything in one store. He stated that the project site has been refurbished and is not in a high crime area.

The public hearing was closed.

Motion Commissioner Krippner moved that the Planning Commission deny the application for a conditional use permit to authorize additional sale of beer and wine for off-site consumption at a new mini market. Chairman Turro seconded, and the motion failed, 2-3, Commissioners Cruz, Linh, and Bertels dissented.

Motion Commissioner Nguyen, seconded by Commissioner Bertels, moved that the Planning Commission approve the application for a conditional use permit to authorize additional sale of beer and wine for off-site consumption at a new mini market. The motion carried 3-2, Chairman Turro and Commissioner Krippner dissented.

**C. Case 2006-28, Conditional Use Permit and Design Review.**

Located at through-lot owned by Southern California Edison which is located west of Hoover Street and is bounded on the north by Westminster Boulevard and on the south by Main Street. Application to construct and operate an unmanned, wireless communication facility on an existing 150-foot-tall Southern California Edison transmission tower. The facility will consist of 6 panel antennas and 1 microwave antenna. Additionally, four equipment cabinets are proposed to be placed underneath the tower, enclosed by an 8-foot-high chain link fence.

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

Mr. Wong stated the proposal is a wireless telecommunication facility on one of two existing Southern California Edison transmission towers. Staff supports the request based upon the analysis, the project's compliance with the Code, comments received from applicable City departments and divisions, and the findings and conditions included in the attached resolution.

The public hearing was opened and the applicant, Mr. John Koos of 2923 #A Saturn Street, Brea spoke in favor of the request. Representing Metro PCS, a new carrier to Southern California region, Mr. Koos indicated that the Edison towers are the best choices for wireless sites as they are pre-standing structures and cities tend to approve them as cellular site facilities for their height and life. He indicated that they fully agree with all of staff's conditions of approval including the block wall.

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

Motion

On motion of Commissioner Cruz, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approve case conditional use permit and design subject to the conditions included in the proposed resolution.

**D. Case 2006-29, Conditional Use Permit and Design Review.**

Located at Southern California Edison owned property north of Universe Avenue and south of a flood control channel. Application to construct and operate an unmanned, wireless communication facility on an existing 120-foot-tall Southern California Edison transmission tower. The facility will consist of 6 panel antennas and 1 microwave antenna. Additionally, four equipment cabinets are proposed to be placed underneath the tower, enclosed by an 8-foot-high chain link fence.

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

Mr. Wong stated that this is another wireless facility proposal on the existing Southern California Edison transmission tower. He stated that this proposal is very similar to the previous item. He displayed photos of the existing tower and a photo simulation with the antennas on the tower. Based on staff findings and analysis, the Commission received staff recommendation to approve this proposal subject to conditions. Mr. Wong informed the Commission that staff received a call from a resident who commented that she

did not want this proposal in her back yard as the transmission antennas would worsen the appearance of the tower.

The public hearing was opened and the applicant, Mr. John Koos of 2923 #A Saturn Street, Brea once again spoke in favor of the request. He informed the Commission that wireless communications have now exceeded land line communications in residential areas, making wireless communications very essential.

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

**Motion** On motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 5-0, the Planning Commission approve the conditional use permit and design subject to the conditions included in the proposed 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 there was no Administrative Approval item reviewed by the Planning Manager.

**Reports and Comments:**

**Planning Manager** Mr. Bashmakian thanked Mr. Wong for his excellent work on all the public hearing items presented. He informed the Commission that at its meeting of June 14, City Council decided to expand the authority of an ad hoc committee, which has not been finalized at this time, to review all residential zoning. The City Council will decide on the composition of the ad hoc committee at its next meeting scheduled on June 28.

**Follow-up to Commissioners'** Commissioner Bertels expressed his disappointment that the unauthorized palm trees have not been pulled out. Mr. Bashmakian stated that Yard Operations Manager Jeff Howell informed him that the owner of the property has appealed this matter to the City Council, and before the City Manager. He will keep the Commission updated. Since the applicant violated the code, Commissioner Bertels felt it was unwarranted that the resident appeal to the City Council. Commissioner Krippner concurred with Commissioner Bertels.

**City Attorney** None

**Planning Commissioners** A. The Commission agreed to cancel the July 19 meeting and meet on July 13 instead. Mr. Bashmakian will check the availability of the Council Chambers for that day.

Chairman Turro complimented Mr. Wong for his work, and requested staff to check the microphone sound system as it sounded inaudible at times. Commissioner Krippner requested staff to contact maintenance regarding the air conditioning system because it was warm during the meeting.

Commissioner Bertels reported that the illegal signs are still up in the corner of Bolsa Avenue and Brookhurst Street; Saigon City shopping mall is dirty and nearby streets are littered with trash; and shopping carts are all around. Commissioner Krippner suggested that code enforcement work on weekends on a rotating basis, and request Code Enforcement Manager Vicky Morgan to personally attend the meeting so that she can answer the Commission's concerns that the City is becoming more trashy. He reported a number of Huntington Beach illegal signs at the Marie Callendar Restaurant marquee in Westminster and the deplorable condition of the gates of the Westminster Cafe.

**Adjournment** The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Maria Moya  
Department Secretary