

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
August 23, 2006
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, August 23, 2006 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Chow, Cruz, Krippner, 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 Commissioner Chow.
- Approval of Minutes** Referring to the minutes of August 2, 2006, Page 3, first paragraph, line 2, Chairman Turro clarified that it should read, "...the store where the former Ralph's Supermarket was operating in the same location, big-wheeler trucks are parking in front of the entrance...."
- The minutes of the regular meeting of August 2, 2006 were approved with the clarifications as noted, on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0.
- Oral Communications** There were no Oral Communications received.
- Written Communications** There were no Written Communications received.
- Public Hearing A. Case 2006-34 Conditional Use Permit and Design Review.** Located at 7498 Garden Grove Boulevard, the applicant is requesting a Conditional Use Permit and Design Review to allow the establishment and operation of a wireless communications facility on an existing transmission tower within the Southern California Edison electrical utility right-of-way.

STAFF RECOMMENDATION: PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE THE CONDITIONAL USE PERMIT AND DESIGN SUBJECT TO THE CONDITIONS INCLUDED IN THE PROPOSED RESOLUTION.

Mr. Michael Patterson stated that this is a wireless facility proposal on the existing Southern California Edison transmission tower. He summarized the proposed project's background and design and indicated that staff supports the request based upon the analysis, the project's compliance with the Municipal Code, comments received from applicable City Departments and Divisions, and the findings and conditions included in the draft resolution.

Mr. Patterson informed the Commission that as a result of its discussion concerning indemnity issues with Southern California Edison and wireless facilities applicants, City Council took action requiring wireless facilities applicants to indemnify and hold harmless the City, provide the City with a copy of its lease agreement with Southern California Edison and proof of insurance. According to Mr. Patterson, these requirements were all incorporated in Conditions Nos. 8, 9, 10, and 11 of the draft resolution.

The public hearing was opened.

Speaking in favor of the proposal was Mr. Jason Hadley, representing Metro PCS, 25582 Creek Drive, Laguna Hills. He thanked staff for its assistance with the project. He was available to answer any questions.

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

Commissioner Krippner commented that the changes noted by staff in the resolution adequately addressed the problems that had existed before. Chairman Turro concurred with Commissioner Krippner.

Motion

On motion of Commissioner Krippner, seconded by Commissioner Cruz, and carried 5-0, the Commission approved Case 2006-34 Conditional Use Permit and Design Review subject to the conditions included in the proposed resolution.

B. Case 2006-40 Conditional Use Permit and Site Plan Review.

Located at 15151 Beach Boulevard, the applicant is requesting a Conditional Use Permit and Site Plan to establish and operate a

used car sales business on a commercially developed site. No new construction or physical expansion is proposed.

STAFF RECOMMENDATION: PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE CASE No. 2006-40 (CUP, SP) FOR THE ESTABLISHMENT AND OPERATION OF A USED CAR SALES BUSINESS BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS OUTLINED IN THE ATTACHED RESOLUTION.

Mr. Art Bashmakian made a brief presentation on the applicant's request to establish and operate a used car sales business on a commercially developed site. Based on staff findings and analysis, the Commission received staff recommendation to approve Case 2006-40 Conditional Use Permit and Site Plan Review.

The public hearing was opened.

Speaking in favor was Mr. Michael Miller, applicant's architect, of 2571 Roscomare Road, Los Angeles, who indicated that all conditions were acceptable except the condition pertaining to the sign. He felt that based on Westminster Code Section 15.40.130, they should be allowed to keep the pole sign since the previous tenant left the site on March 31, 2006 and they applied for a Conditional Use Permit on May 11, 2006, all within 90 days.

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

Mr. Bashmakian pointed out that aside from the 90-day time limit issue, the Code precludes installation of new freestanding signs on lots 100 feet or less in width. He explained that the Code, adopted in the mid-90s, allowed businesses with non-conforming signs, two years to submit an application to keep their non-conforming signs for another five years until they conform to current regulation. This Code has not been enforced because most existing businesses could experience hardship with the removal of their old non-conforming signs. However, new businesses experience less financial impact as it did not cost them anything to put up the existing sign. In this specific case, Mr. Bashmakian indicated it would be up to the Commission to decide if the sign has a significant impact and is appropriate for the business to maintain, or enforce the City's Code to remove the sign. He added the applicant could apply for a variance to put up a monument sign or a free standing sign since the property is less than 100 square feet.

Commissioner Krippner pointed out on Page 3, paragraph 2, line 4 of the staff report, the word "vegetation" may be inappropriate as it

could imply “weeds”. Mr. Bashmakian explained the word pertained to maintaining the existing trees acceptable as landscaping. If the intent was not accurately articulated, he suggested that the Commission could modify the term “vegetation”.

Since the proposed sign technically does not meet Code requirements, Mr. Christian Bettenhausen advised the Commission that the applicant’s only legal recourse is to apply for a variance to keep the sign. If they choose to do so, the Commission could approve the proposal with a condition that the sign will be removed within 60-90 days pending their variance application.

Commissioner Krippner questioned how the City could improve if standards continue to erode, as Codes are not even honored and most applicants apply for a variance. He stated he intends to vote against the project.

Commissioner Chow preferred that the applicant start operating the business instead of putting it on hold due to the sign issue. Although she was agreeable to beautifying and improving the City, she felt that the applicant should be allowed at least three months to resolve the problem with the variance. For this reason, it would make it less difficult and consequently encourage businesses to operate in the City.

Chairman Turro was in favor of allowing the applicant 90 days to apply for a variance.

Motion

Commissioner Chow moved that the Planning Commission approve Case 2006-40, Conditional Use Permit and Site Plan Review for the establishment and operation of a used car sales business based on the findings and subject to the conditions as outlined in the draft resolution including the condition that the existing sign must be removed within 90 days with the understanding that the applicant may bring up an application for a variance. Commissioner Bertels seconded, and the motion carried 4-1, Commissioner Krippner dissented.

- C. Case 2006-74 Variance Requests.** Located at 13590 Beach Boulevard. The applicant is requesting variances to allow: a) The installation of an approximately 36 foot 2 inch high pylon sign where a maximum of 25 feet is allowed. b) The proposed pylon sign to have a sign face area of approximately 117 square feet per face, where a maximum face area of 100 square feet per face is allowed. c) Two monument signs to have a 6 inch setback from the property line, where a minimum setback of 3 feet is required. d) To allow a

total of 7 freestanding signs, where a total of 3 is allowed.

STAFF RECOMMENDATION: PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE CASE No. 2006-74 (VARIANCE) SUBJECT TO THE CONDITIONS STATED IN THE ATTACHED DRAFT RESOLUTION (SEE ATTACHMENT A).

Mr. Bashmakian indicated that staff supports the applicant's request for variances with conditions of approval incorporated as the project satisfies the findings for a variance.

The public hearing was opened.

Mr. John Oh, Vice President and General Manager of Lexus, spoke in favor of the proposal. He thanked staff for assisting with the project and the Commission for hearing the request. He stated that they are remodeling their business and the sign is being replaced for the following reasons: to comply with the requirements and standards set by Lexus Corporation; more economical to put up a new sign instead of rehabilitating the existing sign; and the existing sign would not align with the current building. Mr. Oh indicated that only one pylon sign and two directional signs are being used, and the rest of the signs belong to Honda World. The sign contractor, Mr. Keith Morissey of Sign Design, was available to answer any questions.

Mr. Keith Morissey of 13525 Beach Blvd., stated that the existing sign will be moved near the driveway and the two additional signs will be near the entrances.

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

Commissioner Krippner stated there were good reasons to make the changes on the sign and he would vote in favor.

Motion On motion of Commissioner Cruz, seconded by Commissioner Bertels, and carried 5-0, the commission approved Case 2006-74 Variance Requests subject to the conditions stated in the draft resolution.

New Business There was no Old Business scheduled for review.

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

Reports and Comments:

Planning Manager None

**Follow up to
Commissioner's
Comments** None

City Attorney None

**Planning
Commissioners** Commissioner Krippner commented that his main concern is to improve and beautify the City one inch at a time and reach the quality of some of its surrounding cities. He stated that the City will never attain that goal if it does not try. The City should allow for differences in new businesses towards quality and attractiveness so that more businesses will be drawn into Westminster. Commissioner Krippner stated that Westminster has maintained a "not sharp" image for many years.

Commissioner Cruz mentioned that the parking lot at Hazard and Beach Blvd. remains covered with overgrown vegetation, trash, and illegal signs. In addition, Commissioner Cruz reported that the traffic light that will be installed at Newland Street near the school could cause traffic back-up to Jennrich Street. Because of this, residents have requested to post a "Do Not Block" notice along Jennrich Street so that cars going north from Jennrich Street will not be stuck when traffic backs up. Mr. Bashmakian noted these concerns will be forwarded to Code Enforcement and Public Works Department.

Commissioner Bertels mentioned the following concerns: 1) Despite the City's effort to make its residents abide by the Code, they continue to violate it, specifically planting unauthorized parkway trees. He expressed disappointment that people do not comply with City Code which he felt must either be enforced or if not enforced, repealed. 2) Parking lot behind Hof's Hut Restaurant is filthy and dirty. 3) The front yard of the business in Woodmere Circle is full of trash. Mr. Bashmakian stated that he will update Commissioner Bertels regarding the trees tomorrow.

Commissioner Chow requested for code enforcement update pertaining to illegal posters and banners along City streets. Mr. Bashmakian informed her that there will be a Code Enforcement Officer hired to work only on weekends in addition to the newly-hired Code Enforcement Officer who will start on Monday.

Concerning repeat offenders of sign and banners violation, Mr. Bashmakian explained that there is limited financing and staff to enforce the Codes. Commissioner Chow suggested that the cost to enforce the Code be passed on to the violators.

Chairman Turro was optimistic that after the Mayor's Ad Hoc Sign Committee completes its work, it would be easier for the Commission to consider proposals as proper zoning would be in place. He stressed the importance of considering cases based on its individual merits, and was opposed to Code violators who come after the fact before the City Council who makes the final decision.

Mr. Bettenhausen informed the Commission that there will be an AB1234 training on September 25 and October 2. Regarding the Commission's previous comments on standards that would fit with the vision for the City, he suggested that it would be helpful for the Commissioners to identify particular issues of concern to Mr. Bashmakian who can report the same to City Council who will address these issues. Once these issues are established, it should be enforced unless there are unusual and unique circumstances applicable to a property and variance would be an option.

In response to Chairman Turro's concerning the mansionization issue, Mr. Bashmakian informed the Commission that at its last meeting, the City Council appointed members to the Ad Hoc Housing Standards Committee to serve the community on residential standard matters. Commissioner Bertels stated that it was necessary to hold a study session with City Council to discuss the mansionization issue after the election. Mr. Bashmakian stated that he will put this item in the next agenda.

Adjournment

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

Respectfully submitted,

Maria Moya
Department Secretary