

**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 20, 2006
6:30 p.m.**

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, September 20, 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; Steve Ratkay, Associate 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 Krippner.

Approval of Minutes The minutes of the regular meeting of September 6, 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 2006-48 Conditional Use Permit and Design Review – Level 3. Located on the north side of McFadden Avenue and Gothard Street. Southern California Edison Property. 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: That the Planning Commission approve the conditional use permit and design subject to the conditions included in the proposed resolution.

Mr. Steve Ratkay 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 based upon the findings and conditions included in the draft resolution, staff supports the following entitlements: the conditional use permit request primarily because it is an unmanned facility and will not impact the surrounding properties; and the design review, as it is consistent with the design of the tower and the equipment will be located within the tower equipment.

The public hearing was opened.

Speaking neither for nor against the proposal, Mr. William Scott of 15472 Vermont, inquired about the size of the panels and the shed, and any adverse effects on nearby residents and audio/television transmission.

Mr. Ratkay responded that the panels will be 3 to 6 feet in length and a few inches thick; the dish will be about 24 inches; and the base equipment will be approximately 4 to 5 feet high. He added that this wireless communication facility is safe and not hazardous to health and will not cause any audio/television interference.

The public hearing was closed.

Motion

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

- B. Case 2006-72 Zone Change.** This is a city initiated zone change from the CM (Commercial-Manufacturing) District to the C2 (General Business) District for three adjoining parcels located at the southeast corner of Bolsa Avenue and Moran Street. (Assessor parcel #'s: 143-621-02 / 143-621-03 / 143-621-04).

STAFF RECOMMENDATION: That the Planning Commission recommend that the City Council adopt the negative declaration pertaining to Case 2006-72 and adopt an ordinance implementing the zone change from the CM (Commercial-Manufacturing) District to the C2 (General Business) District, for the three adjoining parcels at the southeast corner of Bolsa Avenue and Moran Street.

Mr. Ratkay made a brief presentation on the background of the rezoning request of three adjoining parcels at the southeast corner of Bolsa Avenue and Moran Street. According to Mr. Ratkay,

rezoning the three parcels will provide consistency with the Commercial-General land use designation and will have no environmental impact. Since the zone changes require approval by City Council, staff recommended that the Planning Commission forward its recommendation on the proposed zone change to City Council for their consideration.

The public hearing was opened.

No one spoke for nor against the zone change proposal and the public hearing was closed.

Motion

On motion of Commissioner Krippner, seconded by Commissioner Cruz, and carried 5-0, the Commission moved to adopt Resolution 2006-72 recommending that the City Council adopt the negative declaration pertaining to Case 2006-72 and adopt an ordinance implementing the zone change from the CM Commercial-Manufacturing) District to the C2 (General Business) District, for the three adjoining parcels at the southeast corner of Bolsa Avenue and Moran Street.

New Business A. Code Interpretation. Exterior architectural modification to an existing building, located at 14822 Moran Street.

STAFF RECOMMENDATION: That the Planning Commission determine if the proposed exterior architectural changes are consistent with the Little Saigon Design Standards.

Mr. Art Bashmakian stated that the applicant, Lee's Sandwiches, had proposed to alter the building facade of an existing warehouse building. Since more than 30 percent of the building facade is being altered, he indicated that the modification must comply with the City's Land Use Ordinance and Design Standards Manual for the Little Saigon Planning Area. However, the applicant contends that the Design Standards should not apply to the building because the surrounding properties are designed for industrial uses and not for commercial uses. Because the City's Land Use Ordinance and Design Standards do not distinguish between industrial areas and commercial areas, staff recommended that the Planning Commission interpret the Code as to whether or not to allow the applicant's proposed changes. He noted that if the Planning Commission denies the proposal, the applicant will only make interior improvements and maintain the existing exterior facade. Mr. Bashmakian added that although the applicant's proposed architectural modification will improve the building, he pointed out

that the objective of the Zoning Ordinance is to have future projects ultimately reflect the Design Standards criteria.

Mr. Bashmakian informed the Commission that the applicant is not available to speak.

Chairman Turro indicated the proposed modifications would be an improvement, but expressed concern about any future change of ownership that may or may not require Planning Commission's approval. Mr. Bashmakian explained that the Planning Commission will only consider another project if for example, a conditional use permit is required, but not when a use is permitted by right.

Commissioner Chow stated that the proposal will beautify the location in the corner area which is in dire need of improvement. She stated that it would also encourage other businesses to follow suit.

Commissioner Bertels indicated that the City's Design Standards should be enforced to set a precedent. He acknowledged, however, that it would be dependent upon the final decision of the City Council.

Commissioner Cruz commented that only the City Council can make the final determination by either upholding or reversing the Planning Commission's decision. Commissioner Krippner concurred with Commissioner Cruz.

Motion Chairman Turro moved that the Planning Commission determine that the proposed exterior architectural changes are consistent with the Little Saigon Design Standards. Commissioner Bertels seconded and the motion carried 5-0.

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. Ratkay for his analysis and presentation of the two public hearing items.

Follow up to Commissioner's Mr. Bashmakian informed the Commission that Code Enforcement did not find any business activity going on at 15711 Candlewood

Commissioner's Comments except that a group of window installers meet in the morning in the location and carpool together.

Mr. Bashmakian mentioned that the Commission's joint study session with City Council to address large homes will be on the Council's agenda for its consideration in their next meeting scheduled on October 11, 2006.

City Attorney None

Planning Commissioners Commissioner Krippner complimented staff for their fine presentations and material write-ups for the evening's meeting.

Commissioner Cruz reported that the vacant lot at Beach and Hazard remains in deplorable condition. Mr. Bashmakian reported that this has been reported to Code Enforcement, but he will check and get a follow up from them again. Commissioner Cruz reported overgrown vegetation at a property at the northeast corner of either Olive Street or Hoover Street and Westminster Avenue.

Commissioner Bertels wanted to know what will happen to the ongoing problem of illegal palm trees in the parkway at 15771 Grey Oaks Street. Mr. Bashmakian explained that the problem is beyond the Planning Division's operations as the Yard Operations Manager Jeff Howell of Public Works Department deals with these tree issues and the City Council's recent decision concerning the same is solely a Council matter. Mr. Bettenhausen explained further that at its recent meeting, City Council clarified that its decision in reference to the Tree Education Committee and the general issues related to trees is final, but it does not specifically apply to 15771 Grey Oaks Street ongoing problem. He added that the Council's direction was to work with the property owner and come into an agreement so that the City will be indemnified for any problems that may arise from the matter. Mr. Bashmakian reiterated that tree-related issues can be communicated to Mr. Howell or to the City Council.

In response to Chairman Turro's question about the beginnings of the Tree Education Committee, Mr. Bettenhausen explained that this Committee was in existence prior to receiving Commissioner Bertels' complaint concerning the illegal palm trees. He stressed that the Committee is not allowed to handle or review individual matters or disputes but was set up only to handle general tree-related issues.

Chairman Turro inquired if Committee or Commission members who come to City Hall before 6 p.m. are required to acquire a parking ticket. Mr. Bashmakian did not have the information but will check with Public Works and pass the information to Chairman Turro. For other individuals who do business and stay longer than 30 minutes at City Hall, Mr. Bashmakian informed the Commission that a parking pass is given to them.

**Reporting on
AB 1234**

Chairman Turro indicated that he will attend the AB1234 training scheduled on October 2.

Adjournment

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Maria Moya
Department Secretary