



PLANNING COMMISSION
Minutes of the Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
August 5, 2009
6:30 p.m.

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, August 5, 2009, called to order in the Westminster Council Chambers at 6:36 p.m. by Chairman Tran.

Roll Call Commissioners present: Bertels, Ho, Tran, Turro
Commissioner absent: Vo

Staff Attendance Douglas Mclsaac, Community Development Director; Kelvin Parker, Senior Planner; Fenn Moun, Planning Technician; Maria Moya, Administrative Assistant; and Christian Bettenhausen, Deputy City Attorney

Salute to the Flag All persons present joined in the Salute to the Flag, conducted by Commissioner Ho.

Approval of Minutes The minutes of the special meeting of June 25, 2009 and the regular meeting of July 1, 2009 were approved on motion of Commissioner Bertels, seconded by Chairman Tran, and carried 4-0, Commissioner Vo absent.

Oral None

Communication

Report from the Secretary on Late Communication Items Mr. Kelvin Parker mentioned that a letter relating to Case 2009-20 was received by staff and copies were provided to the Commission. It will be presented during the public hearing.

Commissioner Vo arrived at 6:38 p.m.

Public Hearing A. Case 2009-20 Design Review- Level 2 and Variance Location: 7010 Trask Avenue (Assessor's Parcel Number 096-041-01)

An application filed for a Design Review and Variance to construct and operate a wireless communication facility consisting of a forty-foot high pole disguised as a flagpole and ancillary equipment within an enclosed shelter. A variance is required because the equipment shelter will encroach 5-feet and the pole will encroach 12-feet, 6-inches into the required 25-foot rear yard setback in the commercial zone.

STAFF RECOMMENDATION: That the Planning Commission approve the variance and design.

Mr. Fenn Moun presented the facts and analysis of the Design Review and Variance proposal to construct and operate a wireless communication facility within an enclosed shelter. He noted that staff received a letter from the tenants of the medical office located next to the proposed cellular site. They expressed health risks brought about by cellular sites and suggested relocating the proposed cellular tower/equipment to the far east end of the parking lot.

Based on staff findings and analysis, Mr. Moun recommended that the Planning Commission approve Case 2009-20 subject to the conditions listed in the draft resolution.

The public hearing was opened.

Speaking in favor of the proposal was Ms. Mary Marshall of Coastal Business Group, 16460 Bake Parkway, Irvine. She and Mr. Mitchell Bryant of Coastal Business Group were available to answer any questions.

Commissioner Bertels inquired if the flag will be lit at night, 24 hours a day, and seven days a week. Ms. Marshall confirmed that the flag will be flown 24/7 and will be lit at night.

Speaking neither in favor nor in opposition, Mr. Hanh He, property manager of the proposed site, indicated his tenants' concern about long-term health issues posed by cellular sites. He reiterated his tenants' request to relocate the proposed cellular tower to the east side, 45 feet away from the medical office.

Commissioner Vo commented that unless a more substantive study was done, it would be difficult to heed to the tenants' request as the basis of their health concerns were vague, speculative, and incomplete.

The public hearing was closed.

For the record, Mr. Christian Bettenhausen stated that the federal government has determined that the impacts of cellular site towers are safe. Although ongoing studies may prove otherwise, Mr. Bettenhausen clarified these are not taken into consideration.

Motion

Commissioner Bertels moved that the Planning Commission the variance and design. Commissioner Vo seconded.

Mr. Doug McIsaac suggested the conditions of approval include Commissioner Bertels' suggestion to have the flag lit at night time; and that the lighting be subject to the approval of the Community Development Director so that its brightness will not be disruptive to the mobile homes nearby.

With the approval of the second, Commissioner Bertels agreed to revise his motion by including the additional conditions suggested by Mr. McIsaac.

Commissioner Turro commented that he was not satisfied with the two-foot diameter of the flagpole as he felt a slimmer pole would be more appropriate.

The motion carried 5-0.

Reports

None

Administrative Adjustments

None

Items from the Planning Commission

None

Comments: Planning Commissioner

Commissioner Bertels requested Code Enforcement to check the trashy condition of the commercial center at the corner of McFadden Avenue and Brookhurst Street primarily CVS Pharmacy and Radio Shack.

Planning Manager

None

City Attorney

None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 7:02 p.m. to the regular scheduled Planning Commission meeting on Wednesday, August 19, 2009, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant