



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**City Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**October 20, 2010**  
**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, October 20, 2010, called to order in the City Council Chambers at 6:30 p.m. by Chairman Tran.
- Roll Call** Commissioners present: Bertels, Ho, Vo, Tran, Turro,  
Commissioner absent: None
- Staff Attendance** Doug McIsaac, Community Development Director; Art Bashmakian, Planning Manager; Alexis Oropeza, Associate Planner; Christopher Wong, Assistant Planner; Fenn Moun, Planning Technician; Maria Moya, Administrative Assistant; and Ivy Tsai, 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 regular meeting of October 6, 2010 were approved on motion of Commissioner Turro, seconded by Commissioner Vo, and carried 4-0, Commissioner Ho was absent in said meeting and did not vote.
- Oral Communications** None
- Report from the Secretary on Late Communications Items** Mr. Art Bashmakian mentioned that staff received the following late communications after the agenda was delivered and provided to the Commission: Case 2010-53 - signed petition of opposition from residents within the immediate vicinity of the project; letter from Mr. Michael Di Gregorio who lives adjacent to the project site; letter from the Department of Toxic Substances Control; a letter from Owen and Barbara Eames supporting the shooting range; and a revised acoustical analysis and a report addressing neighborhood concerns from the applicant.
- Ex Parte Communications** None

**Public Hearing A. Case 2010-53 Conditional Use Permit**

**Location: 14542 Beach Boulevard**

**(Assessor's Parcel Numbers 097-101-26 and 097-101-52)**

An application to allow an indoor shooting (gun) range within an existing commercial development and construct a 980 square-foot addition.

STAFF RECOMMENDATION: That the Planning Commission deny the Conditional Use Permit

Ms. Alexis Oropeza provided a brief presentation on the applicant's request to allow an indoor shooting range within an existing commercial development and construct a 980 square-foot addition. Based on staff's findings and analysis, Ms. Oropeza recommended that the Planning Commission deny the proposal.

The public hearing was opened.

The following spoke in favor:

Mr. Bob Wickes, 14542 Beach Blvd., co-owner of the family-owned business adjacent to the proposed project, stated that they have invested time, money, and effort to successfully develop their property and business. He contended that the proposed project will be in a very well-controlled environment that will secure the safety of the employees as well as its clients. He believes that with today's technology, the noise impact will be easily controlled.

Mr. Layne Ashby of 123 W. 4600 N. Provo, UT, represents Action Target, manufacturer of hundreds of shooting range equipment for 25 years. He indicated that their equipments are designed to safeguard primarily the safety of its users. There will be regular cleaning and recycling of toxic residue, dual ventilation system will be installed, and appropriate and quality control construction materials for the building will be used to minimize noise. He assured the Commission that they have never received noise complaints from any of the shooting ranges they built.

Mr. Ted Zahn of 5322 Loyola Avenue, stated that it was necessary to provide a shooting range within the city to provide target shooting training for its residents and the Police Department.

As co-owner of the business, Dr. Michael Kaplan of 15671 Beach Blvd., Huntington Beach reiterated that their goal is to provide a safe environment, mitigate noise problems, and address

environmental concerns. He stated that this project will generate revenue and provide jobs for the City and home values will not be negatively affected just as other shooting ranges did not impact their neighborhoods.

Mr. Shawn Danesh, a co-owner, 14542 Beach Blvd., stated that they purchased, improved, and maintained their business property which had remained vacant for a number of years. If the project is not approved, he was concerned that other types of businesses such as furniture manufacturing may come in and create more issues for the residents.

Mr. Christopher Jean of 209 N. Orchard Avenue, Fullerton, is the acoustical engineer of the project. He stated that the project will be up to code in terms of noise compliance.

Another co-owner of the business was Mr. Gregg Caringella of 17982 Dellglen Circle Huntington Beach. He stated that the Police Department are in favor of the proposal and even plan to use the range. He added that the proposal is allowed in a Commercial 1 zone; lead mitigation will be extremely efficient; the range master will regularly monitor the range through circuit TV; noise will be minimized; continuing education and training for safety will be ongoing; and security will always be top priority.

The following spoke in opposition: Mr. John Kuerzi, 8172 Hazard Avenue, Midway City; Mr. Mike Boyd, 8131 Legion, Midway City; Mr. Michael Digregorio and Ms. Ramona Digregoria, 8102 Legion Place, Midway City; Mr. Drew Ketter, 14554 Monroe Street, Midway City; Ms. Ruth Christy of 8131 Legion Place, Midway City; and Mr. Marty Naftel of 8082 Legion Street, Midway City. They expressed the following concerns: proposed project is inappropriate for the area; lower the home values; noise; lead particles in the air; and danger of bullets hitting the homes.

In rebuttal, Mr. Caringella assured the Commission that only standard calibers, not high-powered weapons, will be allowed in the range and they will hire only professional people who will follow a strict protocol that will control and screen those who use the range.

Relating to safety issues, Mr. Ashby explained that there will be a 10-inch thick concrete between the shooting range and the neighbors' homes and a tactical area will be provided for the Police Department.

Mr. Zahn's is empowered by the state to issue handgun safety certificates to those who pass very strict tests and training. Because his main focus is safety, he stressed the need of a shooting range to educate people the proper handle of firearms.

Mr. Jean clarified that the shooting range, with 600 rounds per hour, complies with Code requirements. He stated that noise could be mitigated to noise limits but sound will be audible.

Mr. Danesh provided photos of the boarded-up vacant property next to the proposed project. Whether this property is used for business or not (although commercial trucks had been seen in the property), Mr. Danesh said that it is a business decision by the owner. He pointed out that similarly, Mr. Mike Boyd owns three rental properties in the area. According to Mr. Danesh, since Mr. Boyd is doing business, they are doing business as well since they have invested on the vacant lot for the proposed project.

The public hearing was closed.

Commissioner Bertels was concerned about the issues raised by the residents and the weapons that will be allowed in the shooting range. Having vast experience with firearms, he noted that there is quite a difference in sound for each caliber. He indicated that he would deny the applicant's request.

Commissioner Vo felt that the business will be well-managed and considering it took two years to propose a use for the vacant land, he felt the applicant was quite selective. He cautioned the community that other kind of businesses may create the same noise level or even worse than that of a shooting range.

Commissioner Turro indicated that he will deny the project because many residents oppose it.

Commissioner Ho stated that she may consider the project but will impose conditions to mitigate the noise level. She suggested reducing the hours of operation and the applicant confirmed that they were agreeable to the suggestion.

Chairman Tran felt the need of a shooting range for the use of the Police Department and for the community who has firearms. However, he was concerned about the residents' opposition. He believes that if the applicant complies with the 15 conditions specifically Condition No. 6, he will be in favor. Mr. Carnigella confirmed that he agrees with all the conditions.

Motion Commissioner Turro moved that the Planning Commission deny Case 2010-53 based on staff findings. Commissioner Bertels seconded and the motion failed 2-3, Chairman Tran, Commissioners Ho and Vo dissented.

Motion Commissioner Vo, seconded by Chairman Tran, moved that the Planning Commission adopt the Mitigated Negative Declaration for Case 2010-53 (Resolution 10-027). The motion carried 3-1-1, Commissioner Turro dissented and Commissioner Bertels abstained.

Motion Commissioner Vo moved that the Planning Commission approve Case 2010-53 (Resolution 10-026) based on the findings by staff and subject to the conditions listed in the resolution including additional condition that hours of operation will be from 7 a.m. – 9 p.m. Commissioner Ho seconded and the motion carried 3-2, Commissioners Bertels and Turro dissented.

**B. Case 2010-56 Conditional Use Permit and Development Review**  
**Location: Southwest of Main Street and Hoover Avenue**  
**(Assessor's Parcel Numbers 096-14-102 and 096-14-103)**

An application to allow the construction and operation of a wireless communication facility mounted to an existing transmission tower within the Southern California Edison right-of-way.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit and development review.

Mr. Fenn Moun made a brief presentation on the proposed wireless communication facility mounted to an existing transmission tower within the Southern California Edison right-of-way. Based on its findings and analysis, staff recommended that the Planning Commission approve the proposed wireless facility.

The public hearing was opened and speaking in favor was Mr. John Moreland, representing the applicant, Clear Wire Communications, 2903-H Saturn Street, Brea. Mr. Moreland stated that the proposal will help fill-in coverage broadband gaps in the area. He was in support with all of staff conditions except Condition No. 3 as they have a non-disclosure lease agreement with Southern California Edison. Mr. Moun supported striking out Condition No. 3.

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

Motion

On motion of Commissioner Vo, seconded by Chairman Tran, and carried 5-0, the Planning Commission approved Case 2010-56 (Resolution 10-028) based on the findings by staff and subject to the conditions listed in the draft resolution except Condition No. 3 as requested by the applicant.

**C. Case 2010-68 Conditional Use Permit and Zoning Map Amendment**

**Location: 15100-15200 Moran Street**

**(Assessor's Parcel Number 143-621-05 through 143-621-13)**

**Saigon Villas**

An application to allow conversion of the existing 144 unit senior housing development (Saigon Villas) to a non-age restricted development.

STAFF RECOMMENDATION: That the Planning Commission approve the conversion.

Mr. Art Bashmakian provided the project description, its background and analysis, concluding that the age restriction would not result in any negative impacts to the surrounding area or to the city. He stated that the conversion could improve the sales of the units and benefit the neighborhood. Based on staff's review and findings, staff found that the proposed conversion conforms to the General Plan and recommends that the Planning Commission make that finding. As mentioned previously, a copy of the revised Resolution was provided to the Commission which replaces the last two pages relating to the park fees and additional conditions.

The public hearing was opened.

Speaking in favor, the applicant, Mr. Frank Jao of 8907 Warner Avenue, Ste. 108, Huntington Beach, stated that the downtrend of the economy had adversely affected the real estate business. Since many seniors could not qualify for the mortgage loans, the business felt that opening the sale of condos not solely to seniors, would increase the occupants of the building. He assured the Planning Commission that unless a resolution is agreed upon and signed by the applicant, developers, and the eight current property owners, the proposed conversion will not be possible and ineffective under the CCRs By Laws.

Ms. Felicia Jao of the same address, indicated that only eight out of 144 units have been sold in the past years despite the reduction of the price of the condos by 40%. She hoped to open the market to

young professional since the senior market does not show sufficient reportable income.

Ms. Kathy Buchoz of Bridgecreek Development, 8907 Warner Avenue, Ste. 108, Huntington Beach, contended that eliminating the age restriction would enable the developer to sell the houses since a number of young people have shown interest in them.

The following spoke in opposition: Ms. Elyane Nguyen of 15200 Moran St. No. 145, had noise concerns; Mr. Tim Radecki of 9211 Coronet Avenue, complained about the potential negative impact on traffic, parking, overcrowding, litter and trash; Mr. Cook of 45 Inland Drive, Huntington Beach, stated that his mother lives in the housing complex condo who indicated that she wants to keep the complex for seniors only; Mr. Tim Vo, 15200 Moran Unit 251, also purchased a condo unit for his parents who opposed the conversion; Ms. Mary Ha and Mr. Peter Vo of 15200 Moran St. Unit 251 felt the housing complex is a safe living environment and wants to keep it that way. They contended that they did not receive any notice about the proposed conversion except two days ago when they saw a flyer with information about the conversion.

In rebuttal, Mr. Jao reiterated that there will absolutely be no conversion until there is mutual agreement between the developer, owner and the eight property owners. Addressing the parking problem, he indicated that there is enough parking and every unit has one parking space. Mr. Jao stated that the property has commanded high property values over the years.

The public hearing was closed.

Commissioner Vo believed there was a need to fully utilize the buildings. Even if the item is approved by the Commission, it would be dependent on the agreement of the respective parties as per the CCRs By Laws.

Commissioner Ho supported the conversion with conditions that will be agreeable to all concerned parties per the CCRs By Laws.

Chairman Tran suggested continuing the item until an agreement is reached among the parties. However, Commission Vo reiterated that even if the conversion is approved, the agreement would depend on the parties involved.

Motion

On motion of Commissioner Turro, seconded by Commissioner Ho, and carried 5-0, the Planning Commission recommended that the

City Council approved Zone Map Amendment, approve the Comprehensive plan, and revoke Conditional Use Permit (associated with Case 2005-40) subject to the recommended conditions in the resolution (Resolution 10-029).

**Regular  
Business**

**Case 2010-60 Development Review – Level 2**

**Location: 7842 12th Street**

**(Assessor’s Parcel Number 096-353-10)**

An application to allow the construction of a new 6,342 square-foot multiple-family residential rental development consisting of three units on an 8,050 square-foot corner lot.

STAFF RECOMMENDATION: That the Planning Commission approve the development review.

Mr. Chris Wong described the proposed project and based on its analysis and findings, he recommended that the Planning Commission approve the development review.

The Planning Commission allowed the project designer, Mr. John Nguyen, of 10321 Valencia St. Fountain Valley. He requested the approval of the project as it will be a very well-designed and landscaped building that will improve the corner property.

The property owner, Mr. Tuan Tran of 17665 Oak Street, Fountain Valley, reiterated Mr. Nguyen’s statements adding it will increase property values. He supports staff conditions but questioned Condition No. 10 that requires completion of the project within a year. Mr. Wong clarified that as long as the plans are submitted for plan check, he is not restricted to develop it within a year and Mr. Tran agreed.

**Motion**

On motion of Commissioner Vo, seconded by Chairman Tran, and carried 5-0, the Planning Commission approve Case 2010-60 (Resolution No. 10-030) subject to the conditions listed in the resolution.

**B. Case 2010-80 Zoning Text Amendment Initiation**

**Location: Citywide**

Initiation of a Zoning Text Amendment (ZTA) to consider an amendment to the maximum ninety-day display period for temporary banners, pennants, and flags.



STAFF RECOMMENDATION: That the Planning Commission adopt the Resolution initiating the ZTA.

Mr. Chris Wong explained that due to the economic downtrend and a number of requests from the business community to reconsider the 90-day display period, staff is recommending that the Planning Commission adopt the draft resolution initiating the ZTA.

Commissioner Turro felt that the 90-day display period was reasonable and sufficient as the current problem of illegal banners is getting worse. He was not in favor of amending it and Commissioner Bertels concurred.

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| Motion  | Commissioner Vo moved that the Planning Commission adopt Resolution 10-031 initiating the ZTA for Case No. 2010-80. Chairman Tran seconded, and the motion carried 3-2, Commissioners Turro and Bertels dissented. |
| <b>Reports</b>                                    | None   |
| <b>Administrative Use Permits And Adjustments</b> | None   |
| <b>Items from the Planning Commission</b>         | None   |
| <b>Comments: Planning Commissioners</b>           | None   |
| <b>Planning Manager</b>                           | None   |
| <b>City Attorney</b>                              | None   |
| <b>Reporting on AB 1234</b>                       | None   |
| <b>Adjournment</b>                                | The meeting was adjourned at 9:45 p.m. to the Planning Commission meeting on Wednesday, November 3, 2010, at 6:30 p.m. in the Council Chambers.  |

Respectfully submitted,

MARIA MOYA  
Administrative Assistant