



PLANNING COMMISSION
Minutes of the Regular Meeting
City Hall Administrative Conference Room
8200 Westminster Boulevard
Westminster, CA 92683
April 21, 2010
6:30 p.m.

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, April 21, 2010, called to order in the City Hall Administrative Conference Room at 6:30 p.m. by Chairman Tran.

Roll Call Commissioners present: Bertels, Ho, Vo Tran, Turro,
Commissioner absent: None

Staff Attendance Art Bashmakian, Planning Manager; Chris Wong, Assistant Planner; Michael Patterson, Assistant Planner; Shelley Dolney, Administrative Assistant; and Jeremy Rytky, Deputy City Attorney

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

Approval of Minutes The minutes of the regular meeting of February 18, 2010 were approved on motion of Commissioner Turro, seconded by Chairman Tran, and carried 4-1, Commissioners Bertels abstained as he was absent in the meeting.

Oral Communication None

Report from the Secretary on Late Communication Items None

Public Hearing A. Case 2009-59 Conditional Use Permit and Design Review-Level 3
Location: 7451 Westminster Blvd (Assessor's Parcel Numbers 096-062-27 & 096-094-12)

Application for a Conditional Use Permit and Design Review to allow the modification of an existing wireless communication facility

attached 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 design.

Mr. Michael Patterson made a brief presentation on the proposed modification of an existing wireless communication facility attached 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 recommend its approval subject to the conditions listed in the staff report. Mr. Patterson mentioned that staff received a letter of opposition from a resident (copy provided to the Commission), Mr. Francisco Juarez, who was concerned about the dangerous effect of wireless facilities to the health of the surrounding residents within the project site.

Commissioner Turro inquired about the construction of the RV storage facility (approved by the Planning Commission in 2009 on the site) that would build a block wall screen enclosure to the wireless facility site. Mr. Art Bashmakian confirmed that the RV storage facility project was moving along its approved timeline. However, Mr. Bashmakian explained that if the RV storage facility was not constructed, a condition of approval for Case 2009-59 would require that the existing wrought iron enclosure to the wireless facility site be replaced with a decorative block wall enclosure.

The public hearing was opened.

Speaking in favor, the applicant, Mr. John Moreland of Core Communications, 2903-H Saturn Street, Brea, stated that the proposed modification of the wireless communications site will provide greater and faster broadband services from 3G to 4G in the area. He provided the Commission copies of the revised coverage maps and pointed out the following minor changes in the staff report, page 6, as follows: Condition No. 4, line 1, instead of "Core Communications, LLC" use "Sprint/Nextel"; and Conditions No. 8, line 4 and Condition No. 11, line 4, use "block" instead of "black".

Regarding health concerns, Mr. Moreland explained that there will be no increase in radio frequency signal for the proposed upgrade as the radio frequency exposure is well within the federal required limits. Mr. Bashmakian added that aside from meeting the standard requirements, the project's height is 57 feet above ground level, way above the federal required height of 33 feet.

Chairman Tran acknowledged the letter of opposition from Mrs. Angelina Juarez whose concerns had been addressed by staff and applicant during their earlier discussion.

The public hearing was closed.

Motion

On motion of Commissioner Vo, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approved the conditional use permit and design based on staff findings and analysis subject to the conditions of approval.

B. Case 2010-03 Conditional Use Permit Amendment

Location: 13331 Beach Boulevard (Assessor's Parcel Number 096-272-20)

Application for an amendment to an existing conditional use permit (C-1016) to allow sales of distilled spirits at an existing Wal-Mart for off-site consumption in addition to the beer and wine currently permitted by C-1016.

STAFF RECOMMENDATION: That the Planning Commission approve an amendment to add distilled spirits to the existing conditional use permit.

Mr. Chris Wong presented the facts and analysis on Walmart's (applicant) request to amend the existing conditional use permit by adding sales of distilled spirits. He pointed out an error in the staff report: Page 4, first line, indicates the store operates from 8 a.m.– 10 p.m. but is actually open 24 hours a day. He mentioned that staff received a telephone call from a concerned resident regarding loitering and alcohol consumption in the parking area. He also mentioned that staff received a letter from the applicant (copy provided to the Commission) to revise the language of conditions of approval, Nos. 3 and 8, and staff was in agreement with the changes. Based on staff findings and analysis, Mr. Wong recommended that the Planning Commission approve an amendment to add distilled spirits to the existing conditional use permit subject to the conditions in the draft resolution and revisions in conditions of approval Nos. 3 and 8 as requested by the applicant.

The public hearing was opened and the representative of the applicant, Ms. Amanda Schneider of Gresham Savage Nolan & Tilden APC, 550 E. Hospitality Lane, Ste. 300, San Bernardino spoke. She indicated that Walmart agrees with staff conditions and

informed the Commission that the store manager for Walmart was present and available to answer any questions.

Mr. Ed Stuarts, Store Manager for Walmart, stated that he was in favor of the request.

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

Motion

Chairman Tran moved that the Planning Commission approve Case 2010-03 based on staff's recommendation to an amendment to add distilled spirits to the existing conditional use permit including revisions in Conditions No. 3 and 8 as requested by the applicant. Commissioner Bertels seconded and the motion was carried 5-0.

Reports

A. Case 2009-62 Rescinding a request to modify a Conditional Use Permit Location: 15440 Brookhurst Street (Assessor's Parcel Number 108-553-25) Citryst Restaurant

Rescinding a request to modify Conditional Use Permit Case No. 2009-62 granted for the on-sale of beer and wine.

STAFF RECOMMENDATION: That the Planning Commission receive and file the report.

Mr. Bashmakian informed the Commission that since the takeover of the new owner of the business in January, the Police Department has no more issues or concerns and is no longer requesting the modification of the CUP. This was because the incidents that had compelled the Police Department to request the CUP modification has been associated with the previous operator's conduct and the new owner has met proactively with Police Department to ensure his operation complies with the conditions of approval. Mr. Bashmakian recommended that the Planning Commission receive and file this report.

On motion of Commissioner Bertels, seconded by Commissioner Vo, the Planning Commission received and filed the report as recommended by staff.

Administrative Adjustments

None

Items from the Planning Commission

None

**Comments:
Planning
Commissioners**

None

**Planning
Manager**

None

City Attorney

None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 7:10 p.m. to the Planning Commission meeting on Wednesday, May 5, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant