



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
February 2, 2011
6:30 p.m.

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, February 2, 2011, called to order in the City Council Chambers at 6:30 p.m. by Commissioner Vo.

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

Staff Attendance Art Bashmakian, Planning Manager; 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 Vo.

Election of Chair and Vice Chair The floor was opened to nominations for Chairman of the Planning Commission for 2011. Commissioner Turro nominated Commissioner Bertels for Chairman. There being no further nominations, the nominations for Chairman was closed. A voting was made and the Commission voted 2-3 for Commissioner Bertels as Chairman, Commissioners Ho, Oh, and Vo dissented and the motion failed.

Another voting was made.

Commissioner Ho nominated Commissioner Vo for Chairman. There being no further nominations, the nominations for Chairman was closed. A voting was made and the Commission voted 3-2, Commissioners Bertels and Turro dissented. Commissioner Vo was voted Chairman.

The floor was opened to nominations for Vice-Chairman of the Planning Commission for 2011. Commissioner Bertels nominated Commissioner Turro for Vice Chairman. There being no further nominations, the nominations for Vice-Chairman was closed. A voting was made and the Commission voted 2-3 for Commissioner Turro as Vice Chairman, Commissioners Ho, Oh, and Vo dissented and the motion failed.

Another voting was made.

Chairman Vo nominated Commissioner Ho as Vice Chairman for the Planning Commission for 2011. There being no further nominations, the nominations for Vice-Chairman was closed. A voting was made and the Commission voted 3-2 for Commissioner Ho as Vice Chairman, Commissioners Turro and Bertels dissented. Commissioner Ho was voted Vice Chairman.

The Commission observed a short break as Commissioners Vo and Ho moved to their respective seats as Chairman and Vice Chairman, respectively.

Approval of Minutes The minutes of the regular meeting of January 19, 2011 were approved on motion of Commissioner Bertels, seconded by Commissioner Turro, and carried 4-0-1, Commissioner Oh abstained as he was not in the meeting.

Oral Communications None

Report from the Secretary on Late Communications Items None

Ex Parte Communication Related to Case No. 2010-73, Chairman Vo and Commissioner Turro mentioned that they were both contacted by the applicant prior to the last meeting.

**Public Hearing A. Case 2010-73 Variance (Continued from 1/19/2011)
Location: 6312 Garden Grove Boulevard
(Assessor's Parcel Number 203-361-15)**

Request to reactivate a 409 square foot electronic reader board sign atop an existing 60-foot high pylon sign to advertise the on-site business. Although the sign is existing, a variance is required to exceed the maximum allowed height of 25-feet and the maximum allowed sign area of 100-square feet, and to authorize the existing sign to be used for the new on-site business.

STAFF RECOMMENDATION: That the Planning Commission approve the applicant's request for a variance to exceed the maximum allowed height and area of a freestanding sign, subject to conditions.

Mr. Art Bashmakian made a brief overview of the requested variance. Based on staff findings and recommended conditions of approval, staff

recommended that the Planning Commission approve the applicant's request for a variance to exceed the maximum allowed height and area of a freestanding sign, subject to conditions. He mentioned that the applicant was in agreement with all the conditions including Condition No. 6 which was modified based on the safety rules of Caltrans. He confirmed with Commissioner Ho that the sign has been abandoned for more than 90 days since Sunset Ford vacated the property last year. The property is currently owned by Ameri-Tran USA.

The public hearing was opened.

Speaking in favor, Mr. Rod Wilson, spokesperson for the applicant and owner of Electra-Media Inc., 4737 W. 156th Street Lawndale, indicated that per City's approval, they installed and upgraded the original Sunset Ford electric reader sign. He agreed with staff conditions but requested that Condition No. 6 be reworded to state, "...messages on the electronic reader board shall operate according to CALTRANS operations...".

The property owner, Ms. Tara Tran of 6312 Garden Grove Blvd., stated that they appreciated the conditions of approval. She stated that she had owned the property since 2007 and leased it to Sunset Ford until it closed business.

The following residents spoke in opposition:

Ms. Janet Koller of 13032 Yuma Place, stated that based on City Code, the sign should be categorized as an abandoned sign and the owner of the property should be obligated to remove it. She contended that the City failed to enforce its codes despite the violation of the conditional use permit. Despite their numerous complaints to Code Enforcement and Police Department regarding the violations of the permit, nothing happened. She added that the current business, AmeriTran USA, operates its business through the internet and the need for the sign does not warrant a unique circumstance. Ms. Koller expressed concern that if approved, the proposal will set a precedent for small businesses to demand enormous signs that could adversely affect the property values of surrounding properties. She mentioned that a 10-page signed letter of opposition signed by 100 residents who oppose the proposed sign were provided to the Commission.

Brent Jay Ellis of 13032 Yuma Place; Larry Mishall of 6381 Apache Road; Donald Hank of 13038 Springgarden; Holly Murdock of 13012 Yuma Place; and Steel Morris of 6231 Apache Road expressed concern that the proposed sign is very intrusive and degrades the city; lowers property values; an eyesore in the middle of the residential area; tacky and causes

blight in the neighborhood; and will set a precedent for other business to set up monstrous signs.

In rebuttal, Mr. Wilson explained that when Sunset Ford closed its business in 2010, AmeriTran USA bought the sign and mistakenly turned on the reader board without going through the permit process. The sign has been turned off since then and the business is now requesting a variance to reactivate the reader board. He indicated that Condition No. 4 addresses the concerns of intrusiveness and brightness by the residents. He further stated that they have the capability to program and control the sign including an automatic and upgraded dimming device that will dim the light even on an overcast day. Mr. Wilson stated that the electronic reader sign will greatly benefit the business financially (12 to 15 percent increase) considering the traffic count on the 22 freeway is approximately 200,000 vehicles per day. He assured the Commission that they will be responsible for the maintenance and electrical operation of the sign.

The public hearing was closed.

Chairman Vo felt that the sign will be a waste if not use. He commented that it would be good if the City, business owner, and residents compromise, but he felt that the residents were not willing to do so.

Commissioner Turro stated that he understood the residents' concerns relating to the old sign which was previously approved by the Commission based on the conditions they felt reasonable then. He felt that the light is the problem, but the "sunset to sunrise" condition imposed by staff should be able to mitigate it.

Commissioner Bertels believed in respecting the residents' requests and the 105 signatures of residents who oppose the sign. He stated that he was against the variance request completely and he wants to impose some control on signs.

Commissioner Ho indicated that not granting the variance request would deny the property owner of legally permitted uses. She stated that the sign is an established improvement to the site and has been used legally by the prior owner. She added that the Commission is bound to follow the law and not cause involuntary hardship to the owner.

Commissioner Turro stated that as long as the terms and conditions are met and regulated, he would approve it.

Chairman Vo reminded the residents that the variance request was filed by a new applicant and not by the prior owner.

Motion Commissioner Turro moved that the Planning Commission approve the applicant's request for a variance to exceed the maximum allowed height and area of a freestanding sign, subject to conditions including the changes in Condition No. 6 as requested by the applicant. Commissioner Ho seconded. The motion carried 2-2-1, Commissioners Oh and Bertels dissented, Chairman Vo abstained. The motion failed.

Motion Commissioner Bertels moved that the Planning Commission deny Case 2010-73 Variance and all of its attachments. Commissioner Oh seconded. The motion carried 3-2, Commissioners Turro and Ho dissented.

B. Case 2010-62 Zoning Text Amendment – Expansion of Single-Family Dwellings with Nonconforming Parking
Location: Citywide

Zoning Text Amendment (ZTA) to allow limited expansion of single-family dwellings with nonconforming parking and to apply the parking standards for single-family dwellings to single-family dwellings in all Residential Districts.

STAFF RECOMMENDATION: That the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow expansion of single-family homes with nonconforming parking when the expansion does not involve the addition of two or more bedrooms and to apply the parking standards for single-family dwellings to single-family dwellings in all Residential Districts.

Mr. Art Bashmakian provided the proposed zoning text amendment which provides more flexible standards to bring single-family homes with nonconforming parking into conformance with City Codes. Based on staff findings and analysis, he recommended that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow expansion of single-family homes with nonconforming parking when the expansion does not involve the addition of two or more bedrooms and to apply the parking standards for single-family dwellings to single-family dwellings in all Residential Districts.

The public hearing was opened and closed as neither one wished to speak in favor nor in opposition.

Motion On motion of Commissioner Bertels, seconded by Chairman Vo, and carried 5-0, the Planning Commission recommended that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow expansion of single-family homes with nonconforming parking

when the expansion does not involve the addition of two or more bedrooms and to apply the parking standards for single-family dwellings to single-family dwellings in all Residential Districts.

Regular Business None

Reports None

Administrative Use Permits And Adjustments None

Items from the Planning Commission None

Comments: Planning Commissioners The Commission welcomed Commissioner Oh.
Thanking the Planning Commission for voting him as Chairman, Chairman Vo stated that he is looking forward to working in the Planning Commission and serving Westminster.

Planning Manager Mr. Bashmakian welcomed Commissioner Oh.

City Attorney None

Reporting on AB 1234 None

Adjournment The meeting was adjourned at 8:05 p.m. to the Planning Commission meeting on Wednesday, February 16, 2011, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant