



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

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, July 6, 2011, called to order in the City Council Chambers at 6:30 p.m. by Chairman Vo.
- Roll Call** Commissioners present: Bertels, Oh, Turro, Vo
Commissioner absent: Ho
- Staff Attendance** Art Bashmakian, Planning Manager; Fenn Moun, Planning Technician; and Maria Moya, Administrative Assistant
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Oh.
- Approval of Minutes** The minutes of the regular meeting of June 15, 2011 were approved on motion of Commissioner Bertels, seconded by Chairman Vo, and carried 4-0.
- Oral Communications** None
- Report from the Secretary on Late Communications Items** None
- Ex Parte Communication** None
- Public Hearing A. Case 2011-22 Conditional Use Permit and Variance**
Location: 13071 Springdale Street (Assessor's Parcel No. 203-111-04 and 203-111-05)
- A request to establish a wireless telecommunication facility (WCF) consisting of a 62-foot high pole disguised as a pine tree (monopine) and associated ground equipment to be located within

a new eight-foot high block wall enclosure constructed to match the appearance of a nearby trash enclosure.

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

Mr. Fenn Moun made the presentation to consider an application to install a 62-foot high pole disguised as a pine tree with a variance to exceed the 35-foot maximum height limit of the underlying zone. Based on staff analysis and findings, he recommended that the Planning Commission approve the request.

Mr. Moun confirmed with Commissioner Bertels that the distance from the grade to the top of the antenna is 55 feet. Commissioner Bertels was satisfied with Mr. Moun's clarification since only an "approximate" number was indicated in the staff report.

The public hearing was opened and speaking in favor of the application was the applicant's representative, Mr. Tim Miller of 2008 McGaw Avenue, Irvine. Mr. Miller contended that because land lines have been dropping down significantly, there is a greater demand to supply coverage for wireless communications in the project area. He added that the height of 55 feet for the cell towers will provide a vast majority of coverage in the area. He indicated that they agree with the conditions and was available to answer any questions.

Mr. Hugo Teran of 13141 Cynthia Drive read a signed petition from surrounding residents, business owners, and their customers, who opposed the applicant's proposal due to the following: detrimental effects on public health and safety; decrease in property values; decrease in government revenue due to falling values of property taxes; discourage future buyers of homes within the area; noise nuisance; and potential fire and fall hazards. He provided the Commission a binder which included research and data information on wireless telecommunication facilities, its health risks and negative impacts in the community. He stated that the proposed cell tower should be located in a more appropriate location such as an industrial area and maintained that the current wireless communications coverage is already sufficient.

Ms. Kimberly Morrell of 6021 Pamela Lane stated that she currently has a T-Mobile mobile phone which has good coverage. She was not convinced that the proposed site was the best location to reach a wider coverage.

In rebuttal, Mr. Miller explained that they have met the guidelines of the FCC and there is no health risks as they operate way below the safe level of emission. He stated that their engineer provides the actual emission to FCC, and they can provide the same information to the City if requested. He indicated that their study shows cell towers have no negative effect on property values, but admitted that he did not have the opportunity to review opposing studies. Addressing fire and fall hazards concerns, Mr. Miller stated that the cell tower will be built according to the California Building Codes to safeguard public safety and well being. Mr. Miller indicated that although there is some good coverage in selected areas, it does not provide complete coverage to meet the greater demand in the network.

The public hearing was closed.

Chairman Vo indicated that the issues raised against wireless facilities have come before the Planning Commission in the past and continue to remain an issue, but there had been no concrete findings to support them.

Motion

On motion of Commissioner Oh, seconded by Commissioner Bertels, and carried 4-0, the Planning Commission approved Case 2011-22 Conditional Use Permit and Variance (Resolution No. 11-026) subject to the conditions listed in the draft resolution.

B. Case 2011-24 Conditional Use Permit

Location: 9082-9086 Bolsa Avenue (Assessor's Parcel No. 143-601-05)

Hanoi Restaurant

A request for a Conditional Use Permit (CUP) to allow sales of beer and wine (Alcoholic Beverage Control License Type-41) for consumption at an existing restaurant.

STAFF RECOMMENDATION: That the Planning Commission Approve the Conditional Use Permit subject to conditions

Mr. Moun presented a brief background and analysis of the proposal and recommended that the Planning Commission Approve the Conditional Use Permit subject to conditions.

The public hearing was opened.

Speaking in favor was Mr. Bart Kasperowicz of 2955 Main St., Irvine, the applicant's representative. He thanked staff including

the Westminster Police Department for their assistance with the project. He introduced the current owner, Ms. Kim Feng, and indicated they are were agreeable to the conditions.

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

Motion

Commissioner Bertels moved that the Planning Commission approve Case 2011-24 Conditional Use Permit (Resolution No. 11-027) based on staff findings and subject to the conditions listed in the draft resolution. Commissioner Turro seconded and the motion carried 4-0.

Unrelated to any items in the agenda, Chairman Vo allowed a resident, Mr. Tsiu Ho, to speak. Mr. Ho apologized for coming late and thanked the Planning Commission for the opportunity to address the Commission. Mr. Ho stated that he has just started bicycling recently and observed that there are no bike lanes around the City. Mr. Ho requested that the City install additional bike lanes for the use of its residents.

Mr. Art Bashmakian suggested that Mr. Ho forward his request to City Council which can direct staff to study the issue.

Regular Business

None

Reports

None

Administrative Use Permits and Adjustments

None

Items from the Planning Commission

None

Comments: Planning Commissioners

Commissioner Bertels mentioned that the northeast corner of Magnolia Street and McFadden Avenue remains a mess with many illegal banners. Mr. Bashmakian will contact Code Enforcement on this item and report back any updates to Commissioner Bertels.

Commissioner Bertels was glad that the building along Beach Blvd. and Westminster Blvd. is looking better as there are no longer advertisements in the windows.

**Planning
Manager**

Mr. Bashmakian thanked staff for their work.

City Attorney

None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 7:20 p.m. to the Planning Commission meeting on Wednesday, July 20, 2011, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant