



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminister Boulevard
Westminister, CA 92683
August 21, 2013
6:30 p.m.

1. ROLL CALL: NGUYEN, ANDERSON, HO, LOPEZ, MANZO

PRESENT: NGUYEN, ANDERSON, MANZO, LOPEZ,
ABSENT: HO

2. SALUTE TO FLAG:

Commissioner Manzo led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Kelvin Parker reported that there were no late communication items to note.

4. EX PARTE COMMUNICATIONS

Commissioners reported no ex parte communications. 8.1 public hearing docket. 2 emails forwarded to staff. Vice Chair Anderson visited the church site.

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS – None

7. APPROVAL OF MINUTES

Motion was made by Vice Chair Anderson, and seconded by Chair Nguyen to approve the minutes of the regular meeting of the Planning Commission on June 5, 2013.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO, LOPEZ
NOES:
ABSENT: HO

Motion was made by Chair Nguyen, and seconded by Vice Chair Anderson to approve the minutes of the regular meeting of the Planning Commission on June 19, 2013.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO, LOPEZ
NOES:
ABSENT: HO

Motion was made by Chair Nguyen and seconded by Commissioner Manzo to approve the minutes of the regular meeting of the Planning Commission on July 3, 2013.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO, LOPEZ
NOES:
ABSENT: HO

COMMISSIONER HO ARRIVED AT 6:37 PM

8. PUBLIC HEARINGS

8.1 Case No. 2013-43 Conditional Use Permit (CUP) to Allow the Installation of a Wireless Communication Transmission Tower Near the Intersection of Beach Boulevard and the 405 Freeway.

A request to allow a wireless communication transmission tower to be constructed near the intersection of Beach Boulevard and the 405 freeway was presented by Alexis Orrizo. Currently, there is no zoning designation however the municipal code does allow for interpretation. The proposal consists of three sectors, which include antennae, a microwave dish, and tiled roof enclosure. The project site is bound by the 405 onramp and isolated from residential use, with the nearest home being 145 feet from the northeast point. Ms. Orrizo noted that there is a typo in the paperwork and that the accurate date for public notification was August 9th, exceeded the mandatory municipal code requirement to notify nearby residents. Staff has received multiple phone calls from the public regarding health and potential health issues.

RECOMMENDATION: Approve the Conditional Use Permit, with a number of conditions which include finishing the structure with smooth stucco and terracotta tile roof and modifying the project to provide screening from the wall mounted air conditioning units. Also the existing property's current chain link fence should be replaced to something more visually appealing and there should be an additional ten feet wide landscaping developed along the property frontage to the maximum practical extent.

Chair Nguyen opened the public hearing.

Tim Miller, representing the applicant gave a presentation on this item, noting that they are seeking to enhance and expand service and network capacity. Photo simulations were provided and explained how the existing structure will be changed and modified. Condition number eight, regarding air conditioners not being mounted on the exterior of the building, was addressed and explained that they would like to put them on the backside wall, facing the east with low visibility. Condition nine, dealing with the chain link fence, was explained that it is not their property and belongs to Cal Trans. Condition eleven, in regards to the landscaping, was addressed and hardscape materials such as river rock and Spanish tiles will be used to mitigate, however their area of specialty is not landscaping.

It was noted that individuals have expressed concern over health issues, but not necessarily about the project itself.

Vice Chair Anderson commented on the particular configuration not having things hanging off the tower, yet the simulation shows otherwise. Mr. Miller explained the need to have certain brackets hanging, as dictated by SCE. The footprint size of the air conditioner unit was also explained, in regards to what needs to be contained and what is mandated and allowed by SCE. Additionally, fence material was discussed and the materials can be chain link or block wall, though SCE prefers a shelter made using block walls. Finally, Mr. Miller explained that they are limited in what they can do with landscaping because they are mandated by what SCE has given them.

Vice Chair Anderson noted concern over the air conditioning units and Mr. Miller explained that the units have their own outdoor regulations but will be painted on the back to reduce visibility. Maintenance visits will be conducted once a month, ensuring that graffiti and other issues will be

swiftly cared for.

Ms. Oropeza noted that at another transmission tower installation in La Palma, landscaping was approved as a mitigation measure and could be an option with this location as well.

Vice Chair Anderson invited the public to speak but seeing none, the public hearing was closed.

Vice Chair Anderson noted his approval of amending condition eight, in regards to the location of the air condition units being mounted on the buildings. Additionally, the modification of condition nine with the change in fencing and condition eleven to provide something in the way of landscaping to mitigate concerns of appearance. Commissioner Manzo noted his agreement with Vice Chair Anderson. Ms. Oropeza noted the council's approval with the recommendation to leave condition nine as is and modify condition eleven to work with staff and develop a plan for landscaping, leaving condition twelve as is because it is dependant on the approval of condition eleven.

Motion was made by Chair Nguyen, and seconded by Vice Chair Anderson to approve the Conditional Use Permit, subject to all the conditions with the modification to condition eight requiring the air conditions to be mounted on the exterior of the building screen with matching paint color, modification to condition eleven as stated with further landscaping, and condition twelve as is, as presented under Case No. 2013-43 Conditional Use Permit (CUP).

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, MANZO, LOPEZ
NOES:
ABSENT:

8.2 Case No. 2013-03 Zone Map Ammendment and Zone Text Ammendment

Steve Ratkay of the Planning Division presented the item, which is in regards to zone text amendment and map ammendment in the areas of emergency shelters and transitional housing. Mr. Ratkay explained that the item falls under Senate bill number two, which was adopted in 2007 and mandates that all cities and counties address three components: emergency shelters, transitional housing, and supportive housing. Cities and counties are required to designate zoning for these three components, as they adhere to building codes. The city would like to build a structure for the homeless population within the city and add a component for transitional and supportive housing. Tonight's ordinance is in regards to emergency shelter standards and an emergency shelter overlay zoning district, and would not apply to any other land uses. The third part of the ordinance applies to the definition of supportive housing and also to rezone a current site off Goldenwest Circle. It has been found that there are no environmental or health impacts to the development of these proposals. It was noted that two residents have requested more information, yet none have been either in favor nor against the ordinance.

RECOMMENDATION: Approve the ordinance to amend zone text and map ammendments by adoption of the declaration of the overlay zone.

Chair Nguyen opened the public hearing.

Seeing no one from the public wishing to speak, Chair Nguyen closed the public hearing.

Motion was made by Vice Chair Anderson, and seconded by Chair Nguyen to approve the zone text amendment and zone map amendment regarding emergency shelters, homeless shelters, and transitional housing, as presented under Case No. 2013-03.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, MANZO, LOPEZ
NOES:
ABSENT:

9. REGULAR BUSINESS -

9.1 Appeal of the temporary use permit (TUP) of case 2013-59

This appeal is in regards to the director's denial of the temporary use permit to allow three temporary classroom structures to remain for 3-5 years, despite municipal code only allowing an 18 month time frame. The property has benefited from temporary structures that have lasted over twelve years, with eight of those years being outside city's approval because building permits were never followed through.

RECOMMENDATION: Staff recommends that the structures should not be allowed an extension to stay, as there is no long-term plan on the horizon.

It was noted that building permits were pulled but building inspections were never completed. Code enforcement has been alerted and the permit expired in December 2001.

Mr. Paek, representing the applicant noted that his staff was unaware of many of the points regarding the structures and he would like to correct the problem and follow the municipal codes. There was a change of leadership at the time temporary use permits were pulled, and the new leadership is still seeking the information needed to correct the issue. Due to the economic climate in 2001, they were unable to raise funds to finish the project. The facility is used mainly on Sundays from 7am to 7pm for children's worship, choir practice, elder meetings, and more. They have formed their own building committee and are seeking to either refurbish or remodel the structure and are requesting up to five years to accomplish this and raise enough money.

Chair Nguyen asked Mr. Kaph several questions, regarding his position in the church. It was stated that he's been with the church ten years and only recently on leadership, having overseen many leadership changes over the years. It is the church's goal to build a 10,000 square foot building for youth to draw community participation, as well as utilizing the 4,000 square foot temporary structure space. Their building committee is currently meeting twice a month and is still forming and discussing options. However, it has still been twelve years of using an unpermitted space and a clear goal or plan is still not in place.

The Commission discussed the dangers and safety issues in having used an unpermitted space for so long and the problem of having no timeline of accomplishing their goals. However, because the church owns their building and they are actively seeking to amend the situation, it was discussed that they could be given a date in October with which to present the Commission with plans of how to keep the trailer permanent and a clear timeline and schedule for refurbishing, with a timeline of no longer than 18-24 months.

Motion was made by Chair Nguyen, and seconded by Commissioner Lopez to move this item to October 16th, 2013 meeting and the applicant is required to submit all information to planning staff by October 2nd at 5pm.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, LOPEZ
NOES: MANZO
ABSENT:

10. REPORTS – None

11. MATTERS FROM THE PLANNING COMMISSION - NONE

11.1 Hoover Street and opportunity for a bicycle path/lane (Commissioner Manzo)

The Commission discussed the benefits of a bike lane and Commissioner encouraged the City Council to move forward with the Hoover Bike Trail program.

Motion was made by Vice Chair Anderson, and seconded by Commissioner Lopez to encourage Council to move forward with the development of the Hoover Bike Trail.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, MANZO, LOPEZ

NOES:

ABSENT:

11.2 AB 1234 REPORT- NONE

12. ADJOURNMENT: At 8:32 PM, Chair Nguyen adjourned the meeting to a Regular Meeting on Wednesday, September 4, 2013 at 6:30 p.m. in the Council Chambers.

NGUYEN
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Art Bashmakian
Planning Commission Secretary