



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
April 2, 2014
6:30 p.m.**

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

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

2. SALUTE TO FLAG:

Commissioner Lieberg led the salute to the flag.

**3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS
– None**

4. EX PARTE COMMUNICATIONS

Commissioner Manzo noted that he drove by the proposed AT&T site.

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS – None

7. APPROVAL OF MINUTES

Motion was made by Commissioner Manzo, and seconded by Chair Nguyen, to approve the February 5, 2014 Planning Commission Minutes.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, MANZO
NOES: NONE
ABSENT: HO
ABSTAIN: LIEBERG

8. PUBLIC HEARINGS

- 8.1 Case No. 2012-57
Location: 13841 Milton Street
Applicant: Westminster Lutheran Church**

The applicant is requesting a conditional use permit to allow the expansion of an existing preschool and a zoning clearance for an 800 square foot building approximately 12 feet in height.

RECOMMENDATION: That the Planning Commission approve the application subject to conditions of approval

CEQA COMPLIANCE: The proposed matter is exempt from the California Environmental Quality Act analysis under Class 3, Section 15303, which exempts the construction of new structures not exceeding 2,500 square-feet in area area

Steve Ratkay, Associate Planner, provided a report on the item noting the location of the church campus, a description of the campus layout, and the various land uses surrounding the property. He explained that the applicant proposes expanding the number of students within the existing preschool from 40 to 60 students and that the applicant intends to construct a modular building to be used as a meeting place by the Church's youth group. He explained that the applicant no longer wishes to install a prefabricated modular building and instead proposes to construct a "site-built" structure to reflect the design of existing church campus structures. He added that staff is in favor of granting the Conditional Use Permit (CUP) for the expanded preschool stating they feel the site has adequate parking and preschool's hours of operation will not interfere with the Sanctuary's hours of operation. He stated that staff is in favor of recommending approval of the proposed building since the applicant has agreed to construct a "site-built" structure that will be designed to be consistent with the City's design guidelines and believes the structure will have no impact on the community.

In response to Commission Manzo's question, Mr. Ratkay directed the Commission to Condition No.5 referring to compliance with Title 17, specifically the City's design guidelines, and stated that at the time the plan is submitted to the City the applicant will need to comply with all guidelines.

Mr. Ratkay stated the setback was 15 feet when responding to Chair Nguyen's question as to the distance between the proposed building and the residential area to the north.

Commissioner Lieberg inquired if the Church was proposing additional uses of the new building other than the preschool.

Mr. Ratkay stated the Church intends to use the building only as an accessory to the church and under the current approval cannot lease the facility to another organization without additional approval. He suggested Commissioner Lieberg ask his question to the Church's representatives during the public hearing.

The Chair opened the public hearing and public comments.

Tom Livengood, representing Westminster Lutheran Church, stated he serves on the Church Council and noted the Church accepts the findings in the staff report. He confirmed the only intended use for the proposed building is for the Church's youth activities. Additionally, he advised that he was representing and speaking for the Head Start Preschool, which also accepts the findings and conditions. He stated the major change was replacing the modular building design with a design that blends in with the existing church buildings.

Chair Nguyen inquired if the hours of operation for the preschool will remain the same. Mr. Livengood responded in the affirmative and referred to the State guidelines for increase in enrollment numbers and hours of operation.

The Chair closed the public hearing and public comments.

Motion was made by Vice Chair Anderson, and seconded by Chair Nguyen, to approve the application of Case No. 2012-57, subject to conditions of approval, which include adding a condition regarding limiting the preschool hours of operation from 6:30am to 6:00pm Monday through Friday.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, LIEBERG, MANZO
 NOES: NONE
 ABSENT: HO

8.2 Case No. 2014-39

**Location: 16388 Beach Boulevard (Assessor's Parcel Number 107-220-75)
 Applicant: Chick-fil-A**

A variance request for a third wall sign on a freestanding restaurant, whereas Westminster Municipal Code Section 17.330.085 (Table 3-11) permits a maximum of two wall signs.

RECOMMENDATION: That the Planning Commission approve the applications subject to the conditions of approval.

CEQA COMPLIANCE: The proposed matter is exempt from the California Environmental Quality Act pursuant to Class 1 (Section 15301 Existing Facilities of the CEQA Guidelines) as it involves the minor alteration to an existing structure.

Assistant Planner Chris Wong reported on the item. He presented PowerPoint slides outlining the current location, giving a description of the existing area site including surrounding commercial zoned businesses and highways. He displayed photos of the restaurant's existing wall signs.

The Chair opened the public hearing and public comments.

Deborah Kerr, San Diego, consultant on behalf of Chick-fil-A, noted that Jeremy Simpson, owner and operator of the location, was present at the meeting and they both agreed with the staff report and conditions of approval. Ms. Kerr stated she was available to answer any questions and hoped for an approval of the variance.

The Chair closed public comments and the public hearing.

Motion was made by Commissioner Manzo, and seconded by Chair Nguyen, to approve a variance request for a third wall sign of Case No. 2014-39

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, LIEBERG, MANZO
NOES: NONE
ABSENT: HO

9. REGULAR BUSINESS

- 9.1 Case No. 2013-43**
Location: Assessor's Parcel Number 107-211-01 (located off of Beach Blvd. North of the 405 Freeway)
Applicant: AT&T Mobility

A request to determine that proposed modifications to a previously approved wireless communication facility meet the intent of the original approval.

ACTION: Determine whether the applicant's proposed modifications are consistent with the intent of the original approval.

CEQA COMPLIANCE: The proposed matter is exempt from the California Environmental Quality Act (CEQA) as this is a determination regarding compliance with condition of approval for an approved project that was previously determined to be exempt from CEQA. Therefore this matter is not a project.

Alexis Oropeza, Associate Planner provided a report on the item giving a description of the project site location. She explained this item had been previously brought before the Commissioner, however, the applicant has been unable to fully meet two (2) of the original conditions of approval. Those items included the installation of a decorative fence and gate around the perimeter of the property and a landscaping treatment along the Beach side of the property. After working closely with the applicant AT&T and Southern California Edison (SCE), it has been concluded due to numerous new regulations by SCE they are severely limited by the type of landscaping that can now be considered. Photos were presented and

discussed to show proposed modifications by the applicant. Ms. Oropeza stated she was available to answer questions along with the representatives from the applicant and Southern California Edison.

Ms. Oropeza responded to Commissioner Manzo's question regarding the river rock proposal by stating that the problem with that plan is that the area needs to be completely flat to accommodate work trucks.

Commissioner Lieberg inquired regarding the moving of a door and the reasons for it. Additionally, he questioned the change of material being proposed for fencing, inquiring if that was for expense reasons. He stated his preference for stucco over a green vinyl fence.

Ms. Oropeza referenced equipment on the East side of the building that will limit where the door can be placed and suggested a better option of the North side of the building. She showed photos of signage required to be placed on the door.

The Chair opened the public hearing and public comments.

Chair Nguyen asked the applicant if they were flexible in relocating the door to the East side. Tim Miller, representative of AT&T, stated that due to the permanent mounting of air conditioner units on the East side walls, this request was not an option due to space. He additionally explained that Caltrans owned part of the existing chain link fencing at the site and this played a part in making a decision in the vinyl fencing option.

Discussion ensued with Commission and Janelle Godes of Southern California Edison (SCE) Ms. Godes stated that they were not opposed to wrought iron flat top fencing or chain link with rubber coating. She clarified the reasoning behind SCE not approving the river rock proposal around the tower. She stated that river rock limits access and poses a hazard to crews. Further suggestions were made of the option of loose gravel and landscaping and Ms. Godes stated that both pose a significant risk to crews.

Ms. Godes stated that SCE does not like to deviate from their policy from city to city and explained the SCE change in policy as secondary land use towards low intensity use. This has greatly affected clearance requirements in what they allow and do not allow.

Ms. Oropeza stated that the property under the control of SCE is encircled completely by Caltrans, limiting issues with Caltrans's old or damaged fencing. In regards to Commissioner Manzo's question pertaining to the condition of the current fencing, Ms. Oropeza stated she would mention the issue to the City's Traffic Engineering Department so they may communicate with Caltrans.

Ms. Oropeza clarified as to where the applicant is proposing to start the fencing.

Discussion ensued in regards to Commissioner's personal preferences for fencing options

Commissioner Manzo proposed adding a condition of making the applicant responsible for maintaining the area as needed. Mr. Miller offered to leave their direct phone number with City staff so if needed, AT&T could be called to address any issues.

Mr. Miller clarified the SCE property line and stated the fence could be wrapped around with the green vinyl chain link fencing with the wrought iron behind it as the Commission requested. He further stated they have approval from Caltrans for the new proposed option while maintaining Caltran's boundary lines.

Mr. Miller suggested that AT&T pay to replace the existing swing gate openings and additionally offered to approach Caltrans by email, so as to offer to replace the existing damaged fence.

The Commission further discussed requiring the vinyl fencing be black in color as opposed to green.

The Chair closed public comments and the public hearing.

Motion was made by Vice Chair Anderson, and seconded by Commissioner Lieberg, to approve black coated vinyl chain link fencing with swing gate openings, a South facing door and slumpstone on the building exterior as applicant's proposed modifications to the previous original approval.

10. **REPORTS – None**
11. **MATTERS FROM THE PLANNING COMMISSION – None**
 - 11.1 **AB 1234 Reports – None**
12. **ADJOURNMENT: At 7:23 p.m., Chair Nguyen adjourned the meeting to a Regular Meeting on Wednesday, April 16, 2014 at 6:30 p.m.**

NGUYEN
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

Art Bashmakian
Planning Commission Secretary