



**PLANNING COMMISSION  
Minutes of the Regular Meeting  
Council Chambers  
8200 Westminster Boulevard  
Westminster, CA 92683  
April 1, 2015  
6:30 p.m.**

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**1. ROLL CALL: ANDERSON, LIEBERG, MANZO, NGUYEN, AND VO**

PRESENT: Anderson, Lieberg, Manzo, Nguyen, and Vo  
ABSENT: None

**2. SALUTE TO FLAG:**

Assistant Planner Chris Wong led the salute to the flag.

**3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS**

Associate Planner Steve Ratkay reported there was one late item pertaining to Item 8.1 on the agenda pertaining to a set of revised plans.

**4. EX PARTE COMMUNICATIONS**

Commissioner Lieberg reported he visited the Beach Boulevard address and he sees Newland Street everyday because it's at the end of his street.

Commissioner Nguyen reported he visited the Verizon tower.

Commissioner Vo reported visiting the Davis Street site and Beach Boulevard site.

Vice Chair Manzo reported he visited the Popeye's chicken site.

**5. SPECIAL PRESENTATIONS – None.**

**6. ORAL COMMUNICATIONS – None.**

**7. APPROVAL OF MINUTES – March 5, 2015**

**Motion:** It was moved by Manzo, and seconded by Vo, to approve the Planning Commission meeting minutes of March 5, 2015, with corrections made by Vice Chair Manzo and Commissioner Lieberg. The motion carried (5-0) by the following vote:

AYES: Anderson, Lieberg, Manzo, Nguyen, Vo

NOES: None  
ABSENT: None  
ABSTAIN: None

## 8. PUBLIC HEARINGS

Associate Planner Steve Ratkay reviewed the Public Hearing process for the benefit of those in attendance.

- 8.1 **Case No. Case No. 2014-91 (Conditional Use Permit)**  
**Location: 15761 Newland Street (Assessor's Parcel Number 107-821-31)**  
**Applicant: Verizon Wireless**

An amendment to an existing Conditional Use Permit (CUP) to allow the expansion of an existing wireless communication facility on a Southern California Edison (SCE) transmission tower.

**RECOMMENDATION:** To approve subject to conditions of approval.

**CEQA COMPLIANCE:** The proposed matter is exempt from CEQA pursuant to Class 1; Section 15301 pertaining to an exemption for existing facilities.

Associate Planner Steve Ratkay introduced Assistant Planner Chris Wong who provided details of the staff report. Assistant Planner Wong stated this is a continued item from the February 4, 2015 Planning Commission meeting. He provided a brief description of the project, location of the subject tower, Conditions of Approval and a recap of the design revisions requested by the Planning Commission. He stated the applicant revised the design by reducing the width of antenna arrays from 7 feet to 3 feet, and aligning these antenna arrays vertically on tower legs. As a result, the antennas are more "stealth" consistent with the wireless facility design standards. He also addressed the applicant's opposition to Condition No. 9 to replace the chain link fence with a wrought iron fence; however, staff recommends that this Condition remain with amendments requested by the nursery owner. The applicant also requested that Condition No. 10 include additional language stating the City will notify the applicant should the nursery vacate the property so the applicant can install new landscaping. Staff stated it is the applicant's responsibility to follow up not the City's, so staff recommends that Condition No. 10 remain as is.

Chair Anderson opened the Public Hearing and asked for comments in favor of the project.

Lindsay Ortega, 2749 Saturn Street, Brea, California, 92821, representing the applicant stated Verizon is still opposed to Condition No. 9 but if they are required to install a fence, they will not be able to provide the nursery with design approval. She stated the fence will be installed with swinging gates. As for Condition No. 10, she strongly requests that the City alert Verizon if the nursery vacates the property

because Verizon does not have someone out there and would not know if they are not in compliance.

Commissioner Lieberg suggested having Edison notify the City when the nursery vacates the premises.

Vice Chair Manzo asked if there is procedure for the City to notify Verizon. Chris Wong responded staffing levels do not provide resources for such notification.

There were no others wishing to address the Commission on this item and Chair Anderson closed the Public Hearing.

Chair Anderson and Commissioner Lieberg provided clarification of the Conditions of Approval regarding the wrought iron fence and landscaping.

Commissioner Lieberg stated the redesign conforms better than the first design.

Commissioner Nguyen stated that until this agenda item he thought all of the antennas were the same and there is no difference to him.

Vice Chair Manzo stated he agrees with Commissioner Lieberg about the new design, saying it's more compact, less visible and more stealth. He motioned to approve the new design with all of staff's recommended Conditions.

Chair Anderson stated he is pleased with the reconfiguration and it's a definite improvement. He feels that based on what cell phones can do with today's technology that antennas can be reduced in size.

**Motion:** It was moved by Manzo, and seconded by Lieberg, to approve the new design with all Conditions of Approval as recommended. The motion carried (5-0) by the following vote:

AYES: Anderson, Lieberg, Manzo, Nguyen, Vo  
NOES: None  
ABSENT: None  
ABSTAIN: None

The applicant requested clarification on Condition No. 9.

Chair Anderson stated the motion should be amended to include approval by SCE.

**Amended Motion:** It was moved by Vice Chair Manzo, and seconded by Lieberg, to amend Condition No. 9(f) to include language that SCE be required to approve the fence design as well. The motion carried (5-0) by the following vote:

AYES: Anderson, Lieberg, Manzo, Nguyen, Vo

NOES: None  
ABSENT: None  
ABSTAIN: None

**8.2 Case No. Case No. 2015-13 (Zoning Text Amendment)**  
**Location: Citywide**  
**Applicant: City of Westminster**

An amendment to the Zoning Code removing the Conditional Use Permit (CUP) requirement for massage establishments.

**RECOMMENDATION:** That the Mayor and City Council adopt an ordinance removing the conditional use permit requirements for massage establishments.

**CEQA COMPLIANCE:** The proposed matter is exempt from CEQA pursuant to Section 15061(b)(3) of the Guidelines for the Implementation of CEQA.

Associate Planner Steve Ratkay presented details of the staff report regarding a proposed zone text amendment (ZTA) relating to massage establishments. He provided background information on previously adopted ordinances relating to massage establishments. He explained the bulk of the regulations relating to massage and reflexology are in Title 5 of the Westminster Municipal Code (WMC), which is administered by the Police Department. He said in 2009, the state adopted SB 731 restricting local government's ability to regulate certain aspects of massage use. In particular, cities were no longer able to require CUPs for massage businesses that met state requirements for licensing. In 2014, the state adopted AB 1147 which returns some of the regulatory power to local government effective January 1, 2015. He reported that in response to AB 1147, legal counsel has been working on a draft ordinance to overhaul Title 5 (Business License Regulations) of the WMC. He explained that although the provisions of Title 5 are not under the authority of the Planning Commission, the provision requiring CUPs for massage businesses is found within the Zoning Code (Title 17 of the WMC), and is therefore subject to the Planning Commission review. Legal Counsel determined that the best way for the City to address the number of massage businesses in the City is to establish a distance separation requirement. The current draft proposal sets that distance at 1,500 ft. That would eliminate the clustering of massage businesses. He said if the draft ordinance goes forward, it would make the requirement for a CUP unnecessary since the number of massage establishments would be determined by their ability to comply with the distance requirement. So therefore, the ZTA proposes to eliminate the current requirement to obtain a CUP, as specified in the Zoning Code. By recommending that the City Council adopt the ZTA, it would ensure the proposed draft ordinance relating to Title 5 would not have any inconsistencies.

Chair Anderson opened the Public Hearing.

Chair Anderson closed the Public Hearing.

Commissioner Lieberg stated he sees no problem with this noting a lot of cities are doing the same.

**Motion:** It was moved by Lieberg, and seconded by Vo, to adopt the proposed ZTA removing the conditional use permit requirements for massage establishments. The motion carried (5-0) by the following vote:

AYES: Anderson, Lieberg, Manzo, Nguyen, Vo

NOES: None

ABSENT: None

ABSTAIN: None

## 9. REGULAR BUSINESS

### 9.1 Case No.: 2014-101 (Zoning Clearance)

**Location:** 14712 Davis Street (Assessor's Parcel Number 195-141-02)

**Applicant:** Richard Bui

Design review for the reconstruction of a single family home.

**RECOMMENDATION:** Determine if the proposed design is consistent with the design of the surrounding neighborhood.

Associate Planner Steve Ratkay presented details of the staff report and made the presentation. He said this item came before the Planning Commission on December 17, 2014, and the issue the Commission assessed was whether the proposed house was consistent with the surrounding community. Since then, the applicant has redesigned and reduced the size to 5,900 square feet. Mr. Ratkay explained that existing homes within the surrounding area are shown in photos and most are 1,500 square feet in size, however, not far from the proposed house are some newer homes that are approximately 3,200 square feet in size. He added that the proposed house is twice the size of many nearby homes. He said the Zoning Code says the design of an addition must be consistent with the surrounding neighborhood. He said that size is a potential issue in determining consistency. He provided different definitions of the term consistent and based on those definitions, the code says houses should be somewhat similar to other houses in the neighborhood. He explained that the City does permit additions even if they do not match the design of nearby homes, as long as they provide high quality design that fits in with the neighborhood. He provided examples of photographs that show homes that are different from one another but consistent with the surrounding neighborhood.

Commissioner Nguyen asked if the City has ever approved any houses that are that big. Associate Planner Steve Ratkay responded that he is not aware of any,

adding most houses within the City are between 1,500 and 3,000 square feet in size.

Chair Anderson asked if the applicant wished to speak and Mr. Ratkay responded the applicant is not present.

Chair Anderson said it's not so much the square footage but how the square footage is packaged. He stated you can use the various elevation changes to reduce mass. He said what would be helpful to him is to see the house in relationship to the homes on either side.

Commissioner Vo agreed with Chair Anderson.

Vice Chair Manzo stated he still feels the same as he did during the previous meeting. He stated the current code in place must be used and the redesign does not meet or comply with the current code and in his opinion it is not compatible. He said there is also justification to require a third car garage. He explained he is in the construction business and there is a neighborhood in Newport Beach with homes greater than 6,500 square feet and those homes are nowhere near the mass of this home because of how they were packaged. They were spread out, lower profile, wider and on bigger lots. He stated the size of this home on this lot size with such a mass is too much. He said the architect needs to rethink the design and size of the house. He still feels the same as the first time around, stating it does not meet the design for the compatibility of the neighborhood and it needs a third car garage.

Commissioner Lieberg stated he noticed the third car garage is not there again. He said the only thing this house will do for the neighborhood is block the other homes' view of the commercial and industrial area. He said it doesn't look much different from the previous design and it is still five times as big as the original house. He feels it doesn't fit in the neighborhood and doesn't look like a single family residence based on the floor plan. He stated he is against it and the house would have to be half the size for him to support it.

Chair Anderson responding to Vice Chair Manzo stated it might be helpful if the Commission gives guidance to the applicant and staff, or we can have the applicant redesign.

Vice Chair Manzo asked if there is something that staff can give the applicant to provide guidance. Associate Planner Steve Ratkay responded that the Commission can provide guidance on specific design elements, size, architectural elements, building mass, roof design and then have the design brought back to the Commission.

Vice Chair Manzo feels the new design should be brought back to the Commission and asked if staff can guide the applicant to address the size of the house. He

inquired if the house was smaller is the style appropriate for the neighborhood.

Commissioner Lieberg said the design of the house is not that different from the other houses in the neighborhood, the issue is the layout, size of house, size of rooms and what it will do to the lot. He said it doesn't make any sense to him.

Chair Anderson suggested that removing the second story patio areas would reduce the building mass and reduce the size of the house.

Commissioner Lieberg made a motion to deny the design as is and requested that the applicant come back with a design that is consistent with a single family residence in a single family neighborhood.

Associate Planner Steve Ratkay recommended that Commissioner Lieberg include in the motion that the house is not compatible with the surrounding neighborhood and would like to see the following changes.

Chair Anderson stated Commissioner Lieberg's motion is amended to say the project is not consistent or compatible with the neighborhood and the Planning Commission requires that the house be no larger than the maximum area of the four existing two-story homes located to the west on Sowell Street.

The applicant arrived at 7:30 PM and Chair Anderson asked if the Commission would like to hear from him. Vice Chair Manzo stated that the Planning Commission was past the time for public comment on the item.

**Motion:** It was moved by Lieberg, and seconded by Manzo, that the project is not consistent or compatible with the neighborhood and the Planning Commission requires that the house be no larger than the maximum area of the four existing two-story homes located to the West on Sowell Street. The motion carried (4-1) by the following vote:

AYES: Anderson, Lieberg, Manzo, Vo  
NOES: Nguyen  
ABSENT: None  
ABSTAIN: None

**9.2 Case No.: 2014-31**  
**Location: 14542 Beach Boulevard (Assessor's Parcel Number 097-101-52)**  
**Applicant: Calvada Retail Group, Inc.**

Proposed design of a commercial freestanding sign.

**RECOMMENDATION:** That the Planning Commission determine if the proposed freestanding sign designs are compatible with the design of the commercial development.

Associate Planner Steve Ratkay presented details of the staff report and made a presentation. He explained this is in connection with the Popeye's restaurant currently under construction. He presented an overview of the rendering and explained the applicant is proposing a free standing sign between the drive-through aisle and the front property line abutting Beach Boulevard. He added that while a freestanding sign is permitted by the Zoning Code, the issue before the Commission is the proposed design of the sign. He explained that Article 3 of the zoning code has two specific provisions that relate to sign design. Specifically all single pole designs must be covered with a decorative skirt at least half the width of the sign and must be compatible with the design of the adjoining commercial development. He said the sign will be located between the drive-through and front property. The Zoning Code requires a three foot setback and this property has approximately ten feet from front property line to the drive-through so in order place a sign in that area and meet the three foot setback that leaves about seven feet to work with. The applicant has proposed two options and both maintain the three foot setback, however, to comply with the requirement of skirting, a portion of the sign panel extends into the drive-through area but the skirting does not. He explained that while a portion of the proposed sign design would extend into the drive-through aisle, such intrusion would not conflict with vehicles using the drive-through aisle as the intrusion is higher than the maximum height limit for vehicles using the drive-through aisle. He added that the question before the Commission is whether the proposed options are compatible with the building. He added that although this is not a public hearing the Commission is able to receive public comments.

Commissioner Lieberg asked if staff verified that the signage is within the 100 square foot maximum. Associate Planner Steve Ratkay responded yes the maximum allowed is 100 square feet and the proposed signs do not exceed the maximum allowed sign area.

Vice Chair Manzo asked if the portion of pole shown in brown is metal. Associate Planner Steve Ratkay replied that it is treated metal.

Chair Anderson invited the applicant to provide public comment.

Shawn Danesh, representing the applicant, stated the project is on schedule and due to open on May 1<sup>st</sup>. He explained that they decided on a pylon sign because due to the traffic on Beach Blvd., drivers need to see the sign. He stated there will be clearance bar that is eight feet six inches which is much more clearance for the sign than is allowed. The designed sign is close to the building elements and the color and design of the top of the sign match the building.

Vice Chair Manzo asked what material is on the bottom and Mr. Danesh responded - aluminum clad and textured to match the stucco.



Commissioner Lieberg stated he likes Option 2 better and asked if they had considered a more north end placement. Mr. Danesh explained that Field Time is going to be divided into two sections and the back part is going to be divided into three sections. He said they placed the sign there so not to block the adjacent property.

Commissioner Nguyen asked if this is the same sign used for every Popeye's. Mr. Danesh replied that the one on Golden West is larger than this but once this sign is up it will look smaller.

Commissioner Nguyen stated he can go on his phone and find a Popeye's restaurant without driving by. Mr. Danesh replied that 39-percent of their patrons are expected to be driving by when they decide to eat at the restaurant.

Vice Chair Manzo stated that the accent band on the building is not on the stone veneer. Mr. Danesh responded it is going to look exactly like the bottom of the building.

Vice Chair Manzo also stated the brown section of the sign needs to be same color as stucco of the building and he feels from top of the stone to the bottom of sign should be same material and color as the building. Also, instead of the aluminum it should be the color of building. Mr. Danesh responded that aluminum was chosen because it doesn't rust and the sign will be textured but not stuccoed because it is very heavy and noted the color brown was chosen because it is compatible with the other buildings in the center.

Chair Anderson requested that the picture of the building be brought back up on the screen.

Commissioner Vo said the design and color is fine. He said the yellow color will make the sign look like a drumstick.

Chair Anderson asked the applicant if he could do it over again would he design the building so not to have to shift the sign. Mr. Danesh replied the design could not be changed because it would have reduced parking.

Chair Anderson said he thinks the sign looks like a mistake because it is off center. He asked if the applicant had considered reducing the width of the sign in order to center it on the pylon. Mr. Danesh responded that the size would be too small and not visible to drivers and would defeat the purpose of the sign if not visible.

Vice Chair Manzo stated he has the same thought as Chair Anderson and it would make more sense to reduce the width and center it on the pylon. Mr. Danesh explained that if he reduces the width then he would need to reduce the size of the letters as well.

Chair Anderson added if you reduce the width you can still fit the Popeye's sign into the sign.

Ramon Ortiz, Representative of Sign Company, stated the width can be reduced but asked if it can be taller.

Chair Anderson noted the need to improve the appearance of the City. He said if you move the letters left and reduce the width of the sign it can fit. Mr. Ortiz stated they are currently at maximum height and sign face.

Vice Chair Manzo said he likes the Chair's idea and asked can we take Option 2 and shift the whole thing to the left or would it be encroaching. Associate Planner Steve Ratkay responded that both signs are exactly at the three foot setback and would require a variance to go into the setback.

Commissioner Lieberg stated he likes Option 2 and doesn't think it looks bad. He stated the sign is out of the way and the design is compatible. He motioned to approve Option 2.

Commissioner Vo seconded the motion.

Chair Anderson stated he feels the sign is offset and will look strange and inquired if staff looked at the centering the sign. Associate Planner Steve Ratkay replied that there are other designs available.

Mr. Ortiz stated the limited space between the front property line and drive-through aisle disallows a redesign of the sign base.

Mr. Danesh stated they don't want to be too modern and wants to look compatible with other Popeye's and the other building.

Vice Chair Manzo stated he wants to improve the design of the sign.

Commissioner Vo said he thinks the sign is good enough.

**Motion:** It was moved by Lieberg, and seconded by Vo, that it is determined that Option 2 of the sign designs is compatible with the design of the commercial development. The motion carried (3-2) by the following vote:

AYES: Lieberg, Nguyen, Vo  
NOES: Anderson, Manzo  
ABSENT: None  
ABSTAIN: None

## **10. REPORTS**

### **10.1 General Plan Vision Statement and Report on the Current Status of the General Plan Update**

General Plan vision statement and report.

Planning Commission Secretary Art Bashmakian made a presentation to update the Commission on the status of the General Plan process and present the vision statement of the General Plan Advisory Committee. He said community outreach is an important part of the process because the General Plan is created by the community and formulates an image the community wants. The Committee is comprised of representatives from the community. They have had four meetings to date and have held a community open house with 100 visitors. He said a website dedicated to this effort has been established and one component is a town hall page which allows the public to engage and make comments. He noted these are all important elements of the public outreach and outlined several issues that have been identified through these efforts.

Commissioner Nguyen thanked staff for reaching out to the community. He said 20 years ago it wasn't that way now everything seems better. He inquired on how the City handle sharing the parks with the School District and who is responsible for maintenance, noting he receives calls from the public asking why the lights are not on in the park. Planning Commission Secretary Art Bashmakian responded that is in our current General Plan and is common in communities to share facilities, but as for the specifics of the agreement he will check with Community Services and provide the information to the Commission.

Commissioner Vo stated this is a magnificent plan in the region. He added this region is taking the first step in accomplishing goals he learned at the recently attended Planning Commissioner's Academy. He said there is a need to renovate the old businesses to make them better and healthier for the future of the City. He stated he doesn't know if there is law or rule to require landlords and owners to keep properties clean and neat and would like to make sure that we all see the vision for the future so things will work out better.

Planning Commission Secretary Art Bashmakian stated Commissioner Vo brings up an important issue. He said instilling values into the community is important and this is an opportunity to reenergize the community and address issues that still exists and noted we can revisit these issues and reenergize this community and have a better chance of realizing goals.

Chair Anderson said based upon his experience every decision made is incremental, every decision is important in improving the community and he tries to keep the bigger picture in mind. He said he is focused on looking ahead and taking that goal is not always popular but we are improving the community. He

thinks this is good to energize the community, if both residential and commercial take pride, then everyone can do something to improve the design of the community.

Vice Chair Manzo agreed with Chair Anderson and said the residents in Westminster work just as hard as residents in other communities and we need to take pride in our community and homes.

Commissioner Lieberg stated he noticed last weekend the banners across the street advertising the General Plan and he was glad to see that.

**Motion:** It was moved by Lieberg, and seconded by Vo, to receive and file. The motion carried (5-0) by the following vote:

AYES: Anderson, Lieberg, Manzo, Nguyen, Vo  
NOES: None  
ABSENT: None  
ABSTAIN: None

## **11. MATTERS FROM THE PLANNING COMMISSION**

Chair Anderson requested a possible zone text amendment to look into adopting a zoning code to zone out billboards. He said they don't do much for the community and cannot see any benefit to the community. He directed the Planning staff to put that on the next meeting agenda.

Vice Chair Manzo stated that is the forward thinking that he was mentioning and residents like Chair Anderson are looking at these kinds of things. He said we need more people like Chair Anderson to improve our City.

### **11.1 AB 1234 Reports**

- 11.2** A request from Commissioner Lieberg to discuss widening the minimum parking stall standard.

Westminster Municipal Code Section 17.320.0.030.13.2 **Surface parking lots and parking structures** lists the minimum standards - 9 feet wide and 18 feet deep for commercial, industrial and residential uses. Compact spaces are not permitted.

Should a majority of the Commission desire to initiate a zone text amendment to direct staff to study the matter, staff will return at the next meeting with a resolution that will memorialize the initiation of the zone text amendment.

Associate Planner Steve Ratkay stated this is in connection with the parking stalls near Marie Callender's. He explained the original site plan shows compact parking and it was built at a time when compact parking was allowed.

Commissioner Lieberg said he measured the spaces in the center and they were

small, 7 feet 7 inches between lines. He said the entire parking lot is practically compact. He knows it needs enforcement but the City doesn't have the resources or the time.

Commissioner Nguyen asked if there is a requirement to mark spaces compact. Planning Commission Secretary Art Bashmakian stated he didn't recall ever seeing parking spaces marked compact. Commissioner Nguyen asked if that can be made a requirement.

Discussion ensued regarding including a requirement to add the word compact to compact parking spaces.

Vice Chair Manzo asked if they restripe or re-slurry can they keep their nonconforming status. Planning Commission Secretary Art Bashmakian responded if they are just restriping then yes they can keep nonconforming status but if they redesign the lot then they need to conform.

No action was taken and a zone text amendment was not initiated.

12. **ADJOURNMENT:** At 8:56 p.m. Chair Anderson adjourned the meeting to a Regular Meeting on Wednesday, May 6, 2015 at 6:30 p.m.



Don Anderson  
Chairman



Art Bashmakian  
Planning Commission Secretary

Prepared by:



Art Bashmakian  
Planning Commission Secretary