



PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
May 2, 2018
6:30 p.m.

1. PLANNING COMMISSION ROLL CALL:

BUI, MANZO, A.NGUYEN, Q.NGUYEN, AND RICE

PRESENT: MANZO, Q.NGUYEN, RICE

ABSENT: A. NGUYEN, BUI

Commissioner Bui Arrived at 6:31 PM

STAFF PRESENT:

Steven Ratkay, Planning Manager; Christopher Wong, Senior Planner; Carrie Raven, Deputy City Attorney; Michael Son, Administrative Assistant; Shelley Dolney, Administrative Assistant.

2. SALUTE TO FLAG:

Chair Manzo led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there were no late communications.

4. EX PARTE COMMUNICATIONS - None

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

William Belisle, Westminster resident, stated he was a 40 year resident of Westminster and owned several homes within the City. He commented about some recent town hall meetings held by a developer who is proposing to redevelop the Civic Center. He summarized the proposal from the town hall meetings for the Commission and felt the proposal was a "land grab" by the developer. He concluded that he was upset about the proposal, felt it didn't match the General Plan, and stated he intended to go to the City Council Meeting to voice his concerns.

7. APPROVAL OF MINUTES – May 2, 2018

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to approve the April 4, 2018 minutes. The motion carried 4-0 with the following Vote:

AYES: BUI, MANZO, Q.NGUYEN, RICE
NOES: NONE
ABSENT: A.NGUYEN
ABSTAIN: NONE

8. PUBLIC HEARINGS

8.1 Case No. 2017-143 – Variance and Conditional Use Permit

Location: 13071 Springdale Street, facing State Route 22 Garden Grove Freeway adjacent to the Westminster Ice Rink (Assessor's Parcel Number 203-111-04 and 2013-111-05)

Applicant: Electra Media Inc. (EMI)

Project Planner: Christopher Wong, Senior Planner

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit to install a digital billboard and a Variance to allow the digital billboard to exceed the 35-foot maximum height limit (Section 17.330.050.C of the Westminster Municipal Code).

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the requirements of the City of Westminster and has been deemed to be Categorically Exempt per Class 3, Section 15303; and Class 11, Section 15311, of the California Environmental Quality Act (CEQA) because the project consists of the construction and location of a new structure that is limited in size and scope, and is accessory to (appurtenant to) existing commercial facilities; which have available all necessary public services and facilities, and are not located in an environmentally sensitive area.

RECOMMENDATION: that the Planning Commission adopt a resolution entitled, "a Resolution of the Planning Commission of the City of Westminster approving case no. 2017-143, a Conditional Use Permit to allow the installation of a billboard with changeable message technology and a variance to allow the billboard to exceed the maximum 35-foot height limit at 13071 Springdale Street (APN 203-111-04 and 05)."

Senior Planner Christopher Wong provided a presentation to the Commission.

Commissioner Bui inquired if there were any other billboards within the City that were 64 feet high and if the wind force against the proposed sign was calculated. Senior Planner Wong stated that the nearby Sunset Ford sign was 60 feet high and that if the proposed sign is approved it would have to go through the building division review to ensure compliance with the building code. Planning Manager Ratkay

further explained that any structure approved is subject to all the applicable building codes regarding structural integrity and it falls under the Building Division to verify compliance with building codes.

Vice Chair Rice asked for the height of the existing ice skating rink sign, she was concerned the new sign might block the existing sign. Senior Planner Wong stated the existing Rinks sign was 55 feet high.

Chair Manzo asked if the existing ice skating rink sign was electronic and how the minimum 30 days of City advertising was decided. Senior Planner Wong stated the existing sign was not electronic and the minimum days of City advertising was a requirement of the Sign Code.

CHAIR MANZO OPENED THE PUBLIC HEARING AND ASKED THOSE IN FAVOR TO SPEAK.

Rod Wilson, owner of EMI (the applicant), stated he has been working with the City of Westminster for over 20 years, adding that his company built the City of Westminster car dealer's sign adjacent to the 405 freeway. In response to Vice Chair Rice's earlier question, he confirmed that a line of sight study was done to ensure that the new sign won't block the existing Rink's sign. He stated that he has worked with City staff for the last two years to put together a project that is consistent with the City's General Plan goals and policies. He explained the intended operation and orientation of the sign in relation to surrounding structures in detail, adding that there were two light studies done on the project to ensure the surrounding residents are not impacted. He stated the light output is conservative at 4500 nits during the day and would be 350 nits at night. He mentioned there was a revenue sharing agreement and the City will receive a share of that revenue, adding that the agreement stipulates the removal of the old Sunset Ford sign as well. He concluded that the sign does conform to Caltrans regulations and there will be no flashing or animation on the sign, it will fade in or fade out when images change.

Chair Manzo inquired if advertising would be allowed for businesses located outside the City of Westminster and asked for the height of the sign located adjacent to the 405 freeway. Mr. Wilson responded that the sign adjacent to the 405 freeway is 75 feet high and advertising from outside the city would be allowed. Chair Manzo stated was concerned about advertising businesses outside the City of Westminster, since residents may shop outside the City.

Chair Manzo inquired if Mr. Wilson was agreeable to extend the 30 days of City advertising on the sign. Mr. Wilson responded that there is usually 10% of time allotted to the City for the City's use, offering that 10% is about 36 days and that is acceptable. Mr. Wilson also added advertising revenue agreement stipulates that when there is available time on the display over the 10%, the City is able to use that time for City advertising, so there may be additional time allotted to the City based on the agreement.

Commissioner Bui inquired if there is a maximum height that Caltrans allowed for signs and how the determination was made for the proposed sign to be 64 feet high. Mr. Wilson stated Caltrans has no height limit only a maximum square footage and the proposed sign is well under the maximum square footage. He added the 64 feet height of the sign was determined for visibility from multiple directions.

Commissioner Bui asked if he would be willing to lower the sign height, stating that safety is a consideration. Mr. Wilson stated that the sign needed to stay at 64 feet for the line of sight and advertising value of the sign.

John Muse, Civil engineer specializing in lighting representing the applicant, stated the project was originally proposed for 450 nits at night, but acknowledged the discussion for 300 nits. He stated there seemed to be a typo in a condition listed within the staff report, "the LED digital sign faces shall not contribute light greater than 0.03 foot candles at 250 feet away from the billboard." He stated that the condition should read that it should "not contribute light greater than 0.30 foot candles." He added 0.03 would make the sign illegible and he suggested a change to that condition. He concluded that he was present to answer any questions.

Discussion ensued between the applicant, the lighting consultant, the commissioners, and staff about the wording in the conditions of approval concerning nits and foot candles.

CHAIR MANZO ASKED THOSE IN OPOSITION TO SPEAK.

Craig Rhoads, a Westminster resident and a traffic engineer by trade, living near the proposed location of the digital billboard, stated that the new type of digital billboards still create light pollution even though the impact has been mitigated. He had specific concerns about light pollution when the display changes. He spoke of his other experiences with lighting projects and mentioned a specific sign in West Hollywood that was taken down two years after installation because of the impact to traffic and the surrounding neighborhood. He felt that the proposed sign would also cause a reduction in property values.

Lutz Moeckel, Garden Grove resident living across the street from the proposed location of the digital billboard, stated he didn't receive any technical information in the documents he received prior to the meeting and felt overwhelmed by the amount of technical data being shared at the meeting. He wondered why the City of Westminster wants to put up yet another sign along the freeway where there is already several existing signs. He suggested using the existing Sunset Ford sign location or locating the sign further down the street in the industrial area so there would be less impact on the residential neighborhoods. He also opined that the sign will not dim and brighten as presented, stating he is a computer engineer and he can attest that nothing is automatic.

Mark Lawrence, Westminster resident, stated he was concerned about the size of the sign. He added he was upset about the previous sign built by the same developer on near the 405 freeway which cost a lot of money and felt this sign would also be a great cost to the City. He spoke of his qualifications and City history. He felt that the sign would emit more light than presented and concluded that the Commission should deny the project.

Brian Hicks, Westminster resident living near the proposed location of the digital billboard, commented that typically people do not purchase things from billboard displays due to smart phone searches. He opined that all billboards should be removed. He stated that 300 nits was actually very bright and the proposed 14.92 angle of the sign was not enough of an angle to mitigate light impact to his residence. He concluded that nearby residents should not have to be impacted by the proposed sign in order to have the former Sunset Ford sign removed.

Linda Mittendorf, Westminster resident living near the proposed location of the digital billboard, stated she was excited to have the old Sunset Ford sign removed, but added she was not excited about the new sign. She spoke about the generally negative visual aesthetics of billboard signage, her concern for maintenance of the sign, and landscaping around the sign. She stated that she enjoys sitting outside her home and didn't want to see a gigantic sign in her view. She concluded with an excerpt from the City of Westminster Sign Code, stating "sign regulation is enacted to serve the interest of community aesthetics, to protect and preserve property values, to improve the visual environment of the City, so as to promote the overall quality of life for people living in the City."

William Belisle, Westminster resident, stated he recalled some time ago that Westminster was in the process of beautifying the City and removing these billboards. He agreed with a previous speaker who stated you typically don't buy anything from what you've seen on a billboard. He suggested that the developer use the old Sunset Ford sign instead of building the proposed sign.

CHAIR MANZO ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL.

Rod Wilson, owner of EMI (the applicant), responded to previous concerns raised.

- Speaker number one (Craig Rhoads) - had mentioned a sign in West Hollywood that was removed, Mr. Wilson stated they have not received any complaints about the sign adjacent to the 405 freeway. He believed that the restriction of 350 nits at night would not cause the impact that people are concerned about, adding he didn't believe people will have to purchase black out curtains to block the light.
- Speaker number two (Lutz Moeckel) – the sign does have automatic dimming. He added it actually has two additional features, one being a feature that follows the sun, and the other is automatic dimming at dusk that

is slow and controlled mimicking the setting of the sun.

- Speaker number three (Mark Lawrence) – the sign will not cost the City any money. Yes, the City did pay a percentage of the previous sign adjacent to 405 freeway. That was an investment by the City to increase car sales within the City.
- Speaker number four (Brian Hicks) – billboard advertising is not point of sale advertising, it is top of the mind awareness advertising. He further explained that you see an ad and then later you remember the ad and make a purchase. He also explained the proposed sign has not only the v-angle but also has a horizontal cut off of the LEDs that will be put into the display, so the light will be controlled for the nearby residences.
- Speaker number five (Linda Mittendorf) – if the sign goes in, his company EMI will maintain it. He added that the other sign adjacent to the 405 freeway has been maintained over the years and it still looks great.

Chair Manzo stated a question had also been raised about the relocation of the sign. Mr. Wilson explained the location of the existing Sunset Ford sign is not a good location because of the immediate proximity of nearby residences. He also explained that there are some Caltrans regulations that would prohibit sign permits to the east by the industrial area.

CHAIR MANZO CLOSED THE PUBLIC HEARING.

Chair Manzo commented that if the Commission approves the sign, he felt that the hours of operation of the sign should end at 10:00 PM as it seemed more reasonable. He also inquired about the old Sunset Ford sign and why the residents have been stuck with the sign even though the business has vacated the former location. Planning Manager Ratkay explained that the sign was specifically approved for use as an off-premise sign for Sunset Ford. He added that it was quite costly to remove a sign of that size and there was no provision in the Sign Code requiring the sign to be removed.

Chair Manzo asked if there were any provisions to avoid this situation with the proposed sign. Senior Planner Wong stated that staff has recommended, in condition no. 14, that if the billboard use is discontinued for a consecutive period of one year then the permit is considered null and void and the billboard would have to be removed within six months.

Commissioner Bui stated that he hoped the revenue sharing agreement was lucrative enough to help the City and stated that the liability of the proposed billboard should fall on the property owner and not be a City liability.

Chair Manzo offered there was a former Commissioner that served the community

previously who was in favor of phasing out billboards and not allowing any new billboards to be built. Chair Manzo stated he agreed with the idea that billboards should be phased out, adding that he was in a position to represent Westminster residents and didn't see how this sign would be a benefit.

Vice Chair Rice stated she has received phone calls in opposition all week long. She also stated she had read comments on Facebook and Nextdoor, and there is opposition all over both websites. She added people are very concerned about the light impacting them and they don't want our town of Westminster to look like Las Vegas. She concluded that she was not in favor of the project.

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to deny Case No. 2017-143, a Conditional Use Permit to allow the installation of a billboard with changeable message technology and a variance to allow the billboard to exceed the maximum 35-foot height limit at 13071 Springdale Street. The motion failed (2-2) with the following vote:

AYES: MANZO, RICE
NOES: BUI, Q. NGUYEN
ABSENT: A. NGUYEN
ABSTAIN: NONE

Motion: It was moved by Commissioner Bui, and seconded by Commissioner Q. Nguyen to adopt a resolution entitled, "a Resolution of the Planning Commission of the City of Westminster approving case no. 2017-143, a Conditional Use Permit to allow the installation of a billboard with changeable message technology and a variance to allow the billboard to exceed the maximum 35-foot height limit at 13071 Springdale Street (APN 203-111-04 and 05)." The motion failed (2-2) with the following vote:

AYES: BUI, Q. NGUYEN
NOES: MANZO, RICE
ABSENT: A. NGUYEN
ABSTAIN: NONE

Discussion ensued about the possibility of further deliberation, continuing the public hearing, or referring the item to the City Council. Planning Manager Ratkay confirmed that the decision of the Planning Commission was final and the decision can be appealed to the City Council, but there would need to be an action to approve or deny before an appeal can be filed.

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to continue Case No. 2017-143, a Conditional Use Permit to allow the installation of a billboard with changeable message technology and a variance to allow the billboard to exceed the maximum 35-foot height limit at 13071 Springdale Street, to May 16,

2018, due to an absent commissioner and a split decision. The motion to continue carried (4-0) with the following vote:

AYES: BUI, MANZO, Q. NGUYEN, RICE
NOES: NONE
ABSENT: A. NGUYEN
ABSTAIN: NONE

Discussion ensued about the public hearing notices. Chair Manzo suggested that a hyperlink be placed on the notice of public hearing that would allow interested parties to see technical information prior to the hearing. Senior Planner Wong explained that the staff report and associated documents are not available prior to the agenda being distributed, adding that there is a hyperlink for staff report and attachments on the agenda which is available for the public.

9. REGULAR BUSINESS - None

10. REPORTS - None

11. MATTERS FROM THE PLANNING COMMISSION - None

11.1 AB 1234 REPORTS - None

11.2 MATTERS FROM STAFF

Planning Manager Steven Ratkay stated there were several items scheduled for the upcoming meeting of May 16, 2018 including the continued item from this evening. He thanked the Commissioners for their efforts.

12. ADJOURNMENT – The meeting was adjourned at 7:50 p.m. to a regular meeting on Wednesday, May 16, 2018 at 6:30 p.m. in the City Council Chambers.

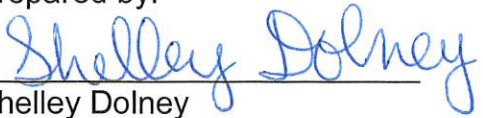


Carlos Manzo
Chairman



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant II