



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**May 16, 2018**  
**6:30 p.m.**

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**1. PLANNING COMMISSION ROLL CALL:**

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

PRESENT: BUI, MANZO, A.NGUYEN, Q.NGUYEN, RICE

ABSENT: NONE

**STAFF PRESENT:**

Steven Ratkay, Planning Manager; Christopher Wong, Senior Planner; Christina Michaelis, Assistant Planner; Baron Bettenhausen, Deputy City Attorney; Margie Rice, Council Member; Michael Son, Administrative Assistant; Shelley Dolney, Administrative Assistant.

**2. SALUTE TO FLAG:**

Vice Chair Rice led the salute to the flag.

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

Planning Manager Steven Ratkay reported there were three late communications regarding item 8.1. He also informed the Commission of a typographical error on the agenda, stating the adjournment date should be listed as June 6, 2018.

**4. EX PARTE COMMUNICATIONS - None**

**5. SPECIAL PRESENTATIONS - None**

**6. ORAL COMMUNICATIONS**

William Belisle, Westminster resident, stated he had a concern about a traffic lane heading east on Westminster Boulevard at Springdale Street; there was a right turn only lane with a freeway entrance lane next to it. He requested something to be done with the intersection to make it safer, since he had almost been broadsided on several occasions. He added that people often drive straight from the right-turn only lane and merge into the freeway entrance lane creating a hazard and potential accidents. Chair Manzo requested that staff refer the concern to the City Traffic Engineer.

**7. APPROVAL OF MINUTES – May 2, 2018**

**Motion:** It was moved by Vice Chair Rice, and seconded by Chair Manzo to approve the May 2, 2018 minutes. The motion carried 5-0 with the following Vote:

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

**8. PUBLIC HEARINGS**

**8.1 Case No. 2017-143 – Variance and Conditional Use Permit - Continued from the meeting of May 2, 2018.**

**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 Categorical 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. He noted that there was a typographical error in the staff report at the May 2, 2018 meeting that had been corrected to show that the light emitting from the sign should not exceed 0.30 foot-candles. He stated the resolution from the previous May 2, 2018 meeting was included in the meeting packet distributed to the Commission, however

the final resolution date was edited to the appropriate date of May 16, 2018.

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

Rod Wilson, owner of EMI (the applicant), stated EMI has worked with the City of Westminster for over 20 years and designed the 75-foot auto dealer's sign adjacent to the 405 Freeway. He added that there had never been any complaints regarding the lighting of auto dealer's sign.

Mr. Wilson stated he had been working with the City for the past two years making sure the proposed sign is consistent with the General Plan goals and policies. He offered that the sign enhances the shopping center and the V angle of the sign directs the light toward the freeway away from the residents. He added the freeway sound wall blocks the residents on the north side or Garden Grove side of the freeway and the angle minimizes any light to the residents west of the sign. He stated the lighting technology today allows to dim the sign from 0 to 100% and they have agreed to the lighting restrictions suggested by the lighting engineer hired by the City. He explained the residents to the south will see no light at all, the residents to the east will be protected by the V angle of the sign as well as the freeway overpass. He added that the sign conforms to Caltrans, there will be no flashing or animation, messages morphs into next message on intervals of six seconds per message.

Mr. Wilson stated that the removal of the Sunset Ford sign will cost \$12,000 and the agreement with the current Sunset Ford sign owner is for a payment of \$40,000; adding the payment of \$40,000 is what the owner paid the Ford dealership for a sign she is unable to use. He then explained the revenue sharing agreement includes 10 percent of advertising time which equates to 36 days annually. Additionally, if there is time available above the 10 percent, the City will get to use the additional time on the sign. So, the City will be adding to their General Fund hundreds of thousands of dollars from guaranteed revenue over the term of the agreement and will use the sign to promote the City of Westminster.

Mr. Wilson stated that John Oh from the Lexus Dealership wrote a letter of support for the project. Mr. Oh is currently advertising on the 405 Freeway sign and is excited to finally reach travelers along the 22 freeway so that he can grab the market share heading into Garden Grove or Anaheim. The sign will not only allow the car dealers to advertise, but also other businesses in Westminster. This should increase sales in Westminster which will then increase sales tax revenue.

Mr. Wilson then offered, in closing, some responses to concerns raised at the May 2<sup>nd</sup> Planning commission meeting:

- Craig Rhodes stated he knew of some signs that were removed in West Hollywood due to concerns over light. Mr. Wilson offered that his best example is the other auto dealer's sign adjacent to the 405 Freeway which has had no

complaints since being installed. Mr. Rhodes also had a concern about the light control. Mr. Wilson stated that the lighting studies that were done shows that the light will be acceptable to residents.

- Lutz Moekel suggested we use the existing sunset ford sign. Mr. Wilson explained that sign is located in a residential area and is right next to a condominium. Mr. Wilson also stated that Mr. Moekel lived on the north side of the freeway and he didn't believe that there would be an impact to the north of the sign due to the angle of the sign, the sound wall, and the lighting technology to be used on the sign.
- Mark Lawrence was concerned about size of the sign and the light emitted. Mr. Wilson stated the size of the sign was designed proportionally to fit the commercial site and he felt that the concern about light had been covered in his previous statements.
- Brian Hicks comment about not purchasing items from billboards. Mr. Wilson stated that billboards operate from a top of the mind advertising instead of point of sale advertising, adding that you remember a product you have seen on a billboard when it is time to purchase the item. Mr. Hicks also stated the angle of the sign is not enough. Mr. Wilson stated the angle of the sign is enough since the light of the LED is also angled directionally away from residences toward the freeway. Mr. Hicks also had a concern about just how bright 300 nits is and our lighting consultant will answer that question.
- Linda Mittendorf was concerned about maintenance of the sign and landscaping. Mr. Wilson stated that EMI maintains the sign. He added that they even maintain the sign on weekends, so if there is an outage they will send a truck out. He stated that according to their agreement, they will be placing landscaping at the base of the sign.
- William Belisle inquired about using the old Sunset Ford sign or possibly moving the sign to an industrial area further down the street. Mr. Wilson stated that the Sunset Ford sign is right next to residential. He added that the reason they selected the Rinks location is because this is the only location where they can obtain a Caltrans off-premise advertising permit.
- Dana Gomez wrote in about the sign not adding value. Mr. Wilson stated the sign will definitely add value by advertising opportunities along with the advertising revenue to the General Fund.

Since Mr. Wilson's time to speak had expired, he stated if there were people in the audience that wrote letters, he would be happy to answer any questions.

John Muse, Civil Engineer specializing in lighting representing the applicant, stated there is no national standard regarding output of illumination, but a lot of cities are

using 0.3 foot-candles of illumination for the standard as is the City of Westminster. He stated that the closest residence across the freeway would be able to view the sign illumination at 0.03 foot-candles; adding that on the Westminster side, most of the illumination would be blocked by the angle of the sign, offering it would be about 0.01 foot-candles of illumination for the nearby residents.

Mr. Muse stated that the applicant has agreed to bring down the level of illumination at night from the proposed 450 nits to 300 nits. He offered an explanation of a nit and described the differences between older television light output (100 nits) and a newer television light output (1000 nits). He offered that television light seems bright because you sit 15-feet away from the screen, adding that the closest residence is 370-feet away from the sign. He stated the light goes down proportional to the square of the distance, so if you go twice as far you will only have one quarter of the light. He concluded that his analysis and the City's lighting expert both show that there is not significant impact in terms of illumination or light pollution.

Discussion ensued about the previous typographical error regarding foot-candles of light emitted showing 0.03. Senior Planner Wong confirmed again that the typographical error was corrected to 0.3 foot-candles of illumination.

CHAIR MANZO ASKED THOSE IN OPOSITION TO SPEAK.

William Belisle, Westminster resident, stated he asked other residents in his neighborhood via the *Nextdoor* Website if they wanted another billboard in Westminster and received dozens of answers that nobody wants a billboard. He felt that billboards are a distraction, adding that his son totaled two cars near the old Sunset Ford sign location due to the distraction. He asked several questions: Who gains from this sign? Does it beautify Westminster? Does the sign make Westminster prettier like some of our neighboring cities? Does it add to visual blight? He then asked for each Commissioners to respond to the question if they would want a billboard near their homes? Deputy City Attorney Bettenhausen stated the public hearing is appropriate for public comment. Mr. Belisle concluded that he already knew the answer as nobody wants this sign near their homes.

Craig Rhodes, Westminster resident, stated he lived adjacent to the proposed sign. He added that he had worked on similar projects like the proposed billboard and they were ultimately torn back down, adding that this project is surrounded by residential properties. He stated he knows the City gets a percentage of advertising revenue but asked if it was in the best interest to the surrounding residents. He offered a concern about the light sensor on the sign and if it would automatically sense dusk and adjust as the seasons change. He felt that 10:00 PM was a more appropriate ending time for the digital sign versus the proposed 12:00 AM. He was concerned about the chance of this sign being left behind in the event the property is sold to a housing developer, offering that he works for the City of Los Angeles and it is a common occurrence in Los Angeles. He also stated he recently saw a billboard which advertised a pornography convention called "Adult Con" and wondered what kind of

controls would be in place regarding advertising on the proposed billboard.

Brian Hicks, Westminster resident, stated he lived adjacent to the proposed sign. He spoke about his previous statement about not buying things from billboards, and the applicant's statement about top of the mind advertising. Mr. Hicks opined that billboards and top of the mind advertising was similar to spam that you might receive on your personal computer. He mentioned that anyone can *Google* the brightness equivalency for 300 nits. He stated he commutes to Laguna Niguel at 5:30 AM to miss some of the traffic and encounters several bright digital billboards on his drive, stating the experience is not pleasant, he doesn't like seeing them as he drives, and doesn't want one near his home. He offered that it is in the best interest of the sign developer to convince the Planning Commission that the sign will not have a negative impact to the surrounding neighborhood because they will make a profit from the project.

Don Anderson, Westminster resident, stated he had 42 years of land use experience as a former City employee and former Planning Commissioner. He requested additional time to speak stating that he has researched the subject and felt he had additional information that would be beneficial to the Commission and the community. There was a consensus of the Commission to allow extra time, although a time limit was not specified.

Mr. Anderson referred to a statement by Mr. Wilson and a notation in the staff report that the sign was consistent with the goals of the General Plan and objected to the statements as the sign is not consistent. He stated that the City spent 1.2 million dollars on the General Plan and the community had an opportunity to provide input regarding the direction the City should go with future development. He stated that the community wished for a change, they wanted a more attractive, vibrant and interesting community, and a place where people will want to live and visit. He stated during the General Plan workshops and meetings were over a two-year period and not one of the community members said they wanted more billboards.

He offered the following explanation and excerpts regarding the General Plan for the Commission's consideration:

The General Plan is the single most important tool used to help successful communities achieve their vision for the future. The General Plan consists of Policies and Goals. Policies are intended to help guide the City in the direction to achieve a goal. The goals listed in the General Plan are more significant while policies are not. Offering the citizens of Westminster stated what they wanted within the General Plan, he provided the following goals.

- "A sustainable balanced land use pattern that accommodates residential and non-residential growth in strategic locations in order to preserve the community's existing single family residential neighborhoods."
- "Regionally competitive activity centers and destinations with a wide variety of

shopping, dining, entertainment, and service that contribute to an excellent quality of life in Westminster.”

- “Projects, development, and public spaces that visually enhance the character of the community, reinforce civic pride, and appropriately buffer dissimilar land uses.”
- Policy = “The City’s visual appearance from freeways and prominent roadways, such as Beach Boulevard, is particularly important because it helps visually frame and distinguish the City from adjacent jurisdictions.” And, the associated Goal = “Enhanced corridors and intersections.”

Mr. Anderson offered in relation to the last General Plan Policy and Goal that the massive sign structure will be visible from the day by surrounding residents and residents want a visually attractive appearance of the City from freeways.

Mr. Anderson spoke about the revenue sharing aspect of the agreement, stating that the City’s operating budget for the coming year was \$62,000,000 and the agreement was for \$1,577,254.51 over a 30-year period. He offered that equated to a revenue share of \$4,381 per month, while it costed the City \$5,000,000 per month to operate. He commented that the City didn’t need Mr. Wilson’s money to operate since it won’t make a difference in the operating budget.

Mr. Anderson spoke about the abandoned Sunset Ford sign, stating that the City already has an Abandoned Sign Ordinance. If the sign is abandoned for 90 days, the property owner has to remove it. However, he understood that removal of the sign is a liability for a new property owner and suggested using the Economic Development Fund which is a carry over from Redevelopment to help fund removal of the sign. He commented that it was not a fair trade off to remove the smaller Sunset Ford sign in order to install a giant sign with Mr. Wilson’s project.

Mr. Anderson stated residences to the south will only see the dark black background of the V shaped sign. Referencing a comment from the May 2<sup>nd</sup> minutes, he stated a resident had commented that she likes to sit outside her home and now she would see a huge sign, adding Mr. Wilson never responded to that comment. Additionally, he didn’t believe the sign would aesthetically enhance the shopping center as indicated in the staff report.

Mr. Anderson, referred to a statement May 2, 2018 Planning Commission meeting minutes, and stated Commissioner Bui asked Mr. Wilson if he could lower the height of the sign. Mr. Wilson responded, “the sign needed to stay at 64 feet for line of sight and advertising value of the sign.” Mr. Anderson offered that Mr. Wilson’s statement translated to “the higher Mr. Wilson can get his sign in the air, the more he can charge advertisers to advertise on his sign.” He doesn’t live in Westminster and his business is located in Lawndale.

Mr. Anderson concluded that ultimately the Commission must find that this sign is compatible with the neighborhood and the General Plan, which it is not. He stated that there is no justification for the variance, the only reason Mr. Wilson wants a variance is to go higher because there are obstructions; adding if there are obstructions, he should find another location.

CHAIR MANZO ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL.

Rod Wilson, owner of EMI (the applicant), spoke about traffic accidents in relation to signage and explained how the project is not a traffic hazard complying with Caltrans regulations in relation to the *Outdoor Advertising Act*, which is part of the *Uniform Building Code*. He stated that the City of Huntington Beach has a larger sign designed by his company and placed along Beach Boulevard; and, that sign has been quite successful for the City, increasing advertising revenue, increasing their General Fund, and increasing their tax base. In response to Craig Rhodes' statements about the proposed sign being surrounded by residential, he stated that was a consideration as to why the sign is angled. He also stated that within the agreement with the City, EMI is responsible for tearing the sign down if something went wrong with it and there is language relating to not allowing advertising of sex, drugs, etcetera. He clarified that the sign does operate with automatic dimming via a photocell and dims over a 45-minute period as the sun sets. He also clarified the hours of operation is 5:00 AM to 12:00 AM as listed in the proposed resolution. In response to Brian Hicks' statement about top of the mind awareness success of billboards and stated that is just the way billboards work and that is why the signage is so successful. In general response to Mr. Anderson's statements he provided a statement of wishing the auto dealers were present with him as the signage is a tremendous asset as it increases revenue as well as increases the tax base for the City, it is not just an increase of \$4,000 per month of revenue sharing.

Commissioner Bui inquired about possible failure of the signs dimming capability and what repair time could be expected. Mr. Wilson stated that they watch the sign with video cameras and if there was a failure regarding light output, they would turn off the sign and dispatch a truck for repair. Commissioner Bui also asked if the revenue share for the City of Westminster was \$4,000 per month as Mr. Anderson stated. Mr. Wilson responded that over the life of the agreement the revenue is 1.5 million dollars, so the average is higher than previously mentioned by Mr. Anderson. Additionally, the success of the sign is three-fold, there is average of the money coming in on a guaranteed basis, then the success of local businesses increasing sales which increases sales tax revenue, and then you have the 10 percent of advertising on the sign which equates to 36 days in which the City can promote economic development which will also bring new business.

Commissioner Q. Nguyen inquired why the sign height is not lowered. Mr. Wilson explained the sign has to be visible above the sound wall, if the height is lowered at all the screen falls into the sound wall and is no longer visible.



## CHAIR MANZO CLOSED THE PUBLIC HEARING.

Deputy City Attorney Bettenhausen clarified his previous remarks for the benefit of the public present and the Commission. The public hearing is quasi-judicial and you sit as a quasi-judge as Commissioners. Similar to a judge in a courtroom, this is not the appropriate time for you to input information. The public hearing portion is for you to hear and accept the evidence or the information given to you, you are not obligated to answer questions, you may ask questions and solicit more information to help you make your decisions. The next phase in this process is the discussion phase which is the appropriate time where the Commission may discuss the evidence or information that has been given. An additional point regarding the tax and revenue part of the case, while relevant, it is not part of the authority granted to the Commission as it is not related to land use; so, it is not information that you would consider in making your decision.

Commissioner Q. Nguyen asked if any billboards have been approved in the past three years at either 64-feet or 48-feet. Senior Planner Wong stated, to his knowledge, no billboards had been approved within the last three years.

Vice Chair Rice commented that when the Commission votes it should be a vote for the community and their opinion versus the Commission's personal opinion. She added they have received a lot of negative letters and emails, there has been 37 negative comments on the *Nextdoor* Website, and there had been six negative letters sent directly to the Commission. Additionally, she stated, she had been answering emails over the past two days and the City Council had also been sent letters about the sign. She reminded the Commission that when they vote they are voting for the community and what they want. She also stated that they needed to think about the General Plan and what the Commission should be following to make the City a better place for the communities and neighborhoods.

Chair Manzo commented that he felt sign would be a negative impact to the surrounding residents. He stated the process to create the General Plan took years, cost a lot of money, had a lot of community input, and should be used as a guide as to what the community wants. He added that he sees this as a quality of life issue, mentioning that he had a similar situation with the Walmart sign on Beach Boulevard as that is what he sees when he sits on his own front porch. He concluded that he would be voting against the project.

Commissioner Bui stated Westminster is expanding, we need more business throughout the City so that the City can afford the expenses for operating the facilities offered to the community. He added, there should be a way to harmonize the needs between the residents and the business environment so the City can continue to grow. Chair Manzo commented that Commissioner Bui made a good point, but there did not seem to be much benefit for the City as compared to the cost to the residents.

**Motion:** It was moved by Commissioner A. Nguyen, and seconded by Commissioner Bui 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 with all the changes to meet the City requests, such as 300 nits at night time and 4,500 nits during day time, 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 carried (3-2) with the following vote:

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

## 8.2 Case No. 2017-72 – Tentative Parcel Map

**Location:** 8192 18<sup>th</sup> Street (Assessor's Parcel Number 097-063-05)

**Applicant:** Scott T. Tran

**Project Planner:** Christina Michaelis, Assistant Planner

**PROJECT DESCRIPTION:** The proposed project is a request for a Tentative Parcel Map to allow for the conversion of three detached multi-family apartment units into condominiums.

**CEQA COMPLIANCE:** The proposed project has been deemed to be exempt from California Environmental Quality Act (CEQA) per Section 15315 (minor land divisions) Class 15. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

**RECOMMENDATION:** that the Planning Commission adopt a resolution entitled, "a resolution of the Planning Commission of the City of Westminster approving Case No. 2017-72, a Tentative Parcel Map to allow for the conversion of three detached multi-family apartment units into condominiums, located at 8192 18<sup>th</sup> Street. (Assessor's Parcel Number 097-063-05)."

Assistant Planner Christina Michaelis provided a presentation to the Commission.

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

Cach Nguyen, representing the applicant, stated he was the Civil Engineer for the project. He offered that the owner has an approved three unit apartment project and desires to convert the project to condominiums. He added that construction is almost

done and he had worked with the Planning Department to ensure that the project complied with all requirements. He urged the Planning Commission to approve the Tentative Parcel Map.

Commissioner Bui inquired why the owner desired to change the project to condominiums. Mr. Nguyen stated that the housing market is very good right now and they want to convert to condominiums so they can sell the units separately.

**THERE BEING NO FURTHER SPEAKERS IN FAVOR OR OPPOSITON, CHAIR MANZO CLOSED THE PUBLIC HEARING.**

Chair Manzo stated that he would have liked to see the original Development Review enclosed in the staff report. Assistant Planner Michaelis stated the approved project plans were submitted as attachment number three in the staff report. She further explained that even though the buildings were detached, the applicant never went through the tentative parcel map process, so the project was approved as apartments. Chair Manzo commented that the development looked like single-family dwellings and asked if there were any special requirements concerning condominiums. Planning Manager Ratkay explained that most of the requirements from the development standards are the same regardless of rental or sale units.

Further discussion ensued about condominiums, requirements, and imposing CC&Rs (Covenants, Conditions, and Restrictions).

**Motion: It was moved by Commissioner A. Nguyen, and seconded by Chair Manzo to adopt a resolution entitled, "a resolution of the Planning Commission of the City of Westminster approving Case No. 2017-72, a Tentative Parcel Map to allow for the conversion of three detached multi-family apartment units into condominiums, located at 8192 18<sup>th</sup> Street. (Assessor's Parcel Number 097-063-05)." The motion carried (5-0) with the following vote:**

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

**8.3 Case No. 2018-63 – Zoning Text Amendment**

**Location:** Citywide within residential zones proposed to be developed with an accessory dwelling unit.

**Applicant:** City of Westminster

**Project Planner:** Christopher Wong, Senior Planner

**PROJECT DESCRIPTION:** A Zoning Text Amendment (ZTA) to the Westminster Municipal Code Amending Sections 17.210.010, 17.320.020, 17.400.120, 17.400.135, 17.520.010, and 17.700.010 to regulate accessory dwelling units.

**CEQA COMPLIANCE:** Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), this Ordinance is exempt from the California Environmental Quality Act (CEQA) because it is an ordinance regarding ADUs, which implements the provisions of Government Code Section 65852.2.

**RECOMMENDATION:** that the Planning Commission postpone the item to the next regularly scheduled meeting on June 6, 2018.

**Motion:** It was moved by Chair Manzo, and seconded by Vice Chair Rice to postpone item to the next regularly scheduled meeting on June 6, 2018. The motion carried (5-0) with the following vote:

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

**9. REGULAR BUSINESS - None**

**10. REPORTS - None**

**11. MATTERS FROM THE PLANNING COMMISSION**

Vice Chair Rice felt that Assistant Planner Michaelis went through her presentation a little too quickly, she asked Ms. Michaelis to slow down for future presentations.

**11.1 AB 1234 REPORTS - None**

**11.2 MATTERS FROM STAFF**

Planning Manager Steven Ratkay stated next Thursday, May 31, 2018 would be Community Development Director Soroosh Rahbari's last day before entering retirement. He added that he has been a great director and we appreciate the many years of service that he has provided to the community and to staff.

Planning Manager Steven Ratkay stated he wanted to provide an update for a project that the Planning Commission reviewed and approved in December 2017. He stated there was a condition that instructed the applicant to work with staff on a revised design that better reflects the architectural style of the Old English buildings. He displayed images of the original proposed design and the approved revised design for the proposed Starbucks on the southwest corner of Westminster Boulevard and Beach Boulevard.

Chair Manzo stated he was ill for the December 6, 2017 meeting and wondered how something like this could be approved without the Planning Commission having a final review. Planning Manager Ratkay stated the decision of the Planning Commission

was final, the added condition stated the applicant will work with staff on revising the plans. There was no requirement in the condition for the project to come back to the Planning Commission with an improved design.

Chair Manzo felt it was not wise for the Planning Commission to approve the project, because that is saying the Planning Commission has no say on the final version of the design; adding that the design at that point is between the applicant and the Planning Department. He felt the approved revised design did not follow the design guideline manual, specifically stating there should be a pitched roof and the flat roof in the revised design is more of a modern contemporary style.

Vice Chair Rice felt she had asked the item to be brought back to the Planning Commission after the applicant worked with staff and indicated she was displeased with the new design. Planning Manager Ratkay, suggested that it might have been better to continue the item and provide some guidance to the applicant on what the Commission would like to see if the Commission desires to see the final design.

Vice Chair Rice offered some concerns about the guidance provided by legal counsel at the Planning Commission meetings and stated she felt that the Commission had been provided incorrect information in the past.

Deputy City Attorney Bettenhausen stated that he would be happy to discuss the matter further with the Commissioners after the meeting to ensure the issue is addressed.

Discussion ensued about Planning Commission expectations, possible legal ramifications of decisions, and the design of the proposed Starbucks.

Commissioner Bui, inquired about the proliferation of Starbucks throughout the City and felt that it was excessive. Chair Manzo stated that decisions can be made by the Planning Commission; adding that the staff has to follow the application where it takes them but it is up to the Commission to approve or deny the project.

Chair Manzo inquired if there was anything that could be done with the current design of the Starbucks building. Planning Manager Ratkay stated that it has been through the process of review and it is at the end of the plan check process and permits will be pulled in a week for them to begin construction.

Vice Chair Rice inquired if Starbucks was going to the City Council for review. Planning Manager Ratkay stated that it was not appealed or called up by the City Council within the 15-day appeal period.

Chair Manzo stated that he hated to see the Starbucks project design go in this direction, adding that we have the design guidelines manual and we should be using it. He also stated that our City name is Westminster and felt that the Old English design goes along with the name. He offered that other locations along Westminster

got away from the Old English design previously, but he really wanted the designated areas to stick to the design mentioned in the Design Guidelines Manual.

Planning Manager Ratkay suggested a study session related to design might be appropriate and offered to bring it on the next agenda.

Chair Manzo directed staff to bring back a study session related to design on the next regularly scheduled meeting.

- 12. ADJOURNMENT – The meeting was adjourned at 8:10 p.m. to a regular meeting on Wednesday, June 6, 2018 at 6:30 p.m. in the City Council Chambers.**



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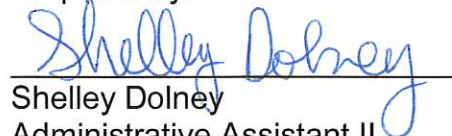
Carlos Manzo  
Chairman



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Steven Ratkay  
Planning Commission Secretary

Prepared by:



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Shelley Dolney  
Administrative Assistant II