



**PLANNING COMMISSION  
Minutes of the Regular Meeting  
Teleconference/Web Conference Only  
8200 Westminster Boulevard  
Westminster, CA 92683  
September 15, 2021  
6:30 p.m.**

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**SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND  
ATTENDANCE AT PUBLIC MEETINGS**

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of the Executive order N-25-20 Issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some or all of the Westminster City Planning Commission Members will participate in meetings via teleconference.

Pursuant to the State of California Executive order N-29-20 related to coronavirus (COVID-19), the Planning Commission of the City of Westminster, California convened on September 15, 2021 at 6:32 p.m. at 8200 Westminster Boulevard, Westminster, California, and via teleconference. Members of the public wishing to address the Planning Commission were asked to submit an e-mail for written comments or a request to speak form to provide verbal comments before the start of the meeting. Additionally, any members of the public in attendance that wished to speak but had not previously provided a request to speak form were also provided an opportunity to address the Planning Commission.

**1. PLANNING COMMISSION ROLL CALL:**

**ANDERSON, NGUYEN, PHAM, SEID (One Vacancy Exists)**

PRESENT: ANDERSON, NGUYEN, PHAM, SEID

ABSENT: NONE

**STAFF PRESENT:**

Steven Ratkay, Planning Manager; Christopher Wong, Senior Planner; Fernanda Arias, Planning Technician; Josephine Pham, Contract Planner; Alexa Smittle, Community Development Director; Kathya M. Firlik, Deputy City Attorney; Shelley Stevens, Senior Administrative Assistant.

City Lighting Consultants Alex Stepniewski and Matt Bates were also present.

**2. SALUTE TO FLAG:**

Commissioner Anderson led the salute to the flag.

**3. ELECTION OF VICE CHAIR**

Chair Seid stated that a vacancy existed due to the resignation of Vice Chair Mark Nguyen. He offered that even though the Commission has a quorum present, it might be best to postpone electing a Vice Chair until we have the new Commissioner appointed.

**Motion: It was moved by Chair Seid**, and seconded by Commissioner Anderson, to postpone the election for position of vice chair until the planning commission vacancy is filled. The motion carried (4-0) with the following vote:

AYES:           ANDERSON, NGUYEN, PHAM, SEID  
NOES:           NONE  
ABSENT:        NONE  
ABSTAIN:       NONE

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

Planning Manager Ratkay reported that one written correspondence pertaining to item 9.1 was received and would be read into the record during the public hearing.

**5. EX PARTE COMMUNICATIONS**

Commissioner Anderson reported visiting the site and discussing the project with staff for item 9.1 on the agenda.

**6. SPECIAL PRESENTATIONS - None**

**7. ORAL COMMUNICATIONS**

There were no speakers wishing to address the Planning Commission for Oral Communications. There were also no written comments provided to the [WMPCComments@westminster-ca.gov](mailto:WMPCComments@westminster-ca.gov) email box for oral communications prior to the meeting.

Jodie Boyd, Westminster resident, offered her gratitude to the planning commission and staff for the jobs they are doing to help point the City in the right direction. She suggested that for future meetings the City might consider displaying the meeting rules on the screen while someone reads the script. She stated that reading a Uniform Resource locator (URL) or domain name address aloud has the potential for the audience to copy the address incorrectly.

**8. APPROVAL OF MINUTES – NONE**

**9. PUBLIC HEARINGS**

**9.1 Case No. 2018-184 (Conditional Use Permit and Variance)**

**Location:** 7130 Fenwick Lane

**Assessor's Parcel Numbers:** 096-521-10 and 096-521-15

**Applicant:** Outdoor Associates, LLC

**Project Planner:** Lemessis Quintero, Contract Planner

**PROJECT DESCRIPTION:** A proposal to install and operate a digital display billboard with two sign faces arranged in a V-shape that are both oriented towards the Interstate-405 (I-405) freeway. The overall height of the proposed billboard is 55 feet. Therefore, the applicant is also requesting a Variance to allow the billboard to exceed the 35-foot maximum height limit (Section 17.330.050C of the Westminster Municipal Code).

**CEQA COMPLIANCE:** The proposed project has been reviewed by the City's environmental consultant, Hodge Associates, Inc., 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 Section 15061(b)(3); Class 11, Section 15311; and Class 32, Section 15332 of the CEQA Guidelines because the project:

1. Is covered by the common sense exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment;
2. Is accessory to (appurtenant to) existing industrial facilities, which have available all necessary public services and facilities, and are not located in an environmentally sensitive area; and
3. Consists of a project that is characterized as in-fill development and meets the five qualifying conditions for in-fill development.

Supplemental information pertaining to the CEQA Notice of Exemption is attached for reference (Attachment No. 10).

**RECOMMENDATION:** Staff recommends that the Planning Commission consider the requested Conditional Use Permit and Variance and either approve or deny the applicant's requests by adopting one of the two following resolutions.

- 1) "A Resolution of the Planning Commission of the City of Westminster Approving Case No. 2020-1033, Which Involves a Request for a Conditional Use Permit to Allow the Installation of an Electronic Billboard with Changeable Message Technology and a Variance to Allow the Billboard to Exceed the Maximum 35-Foot Height Limit on Property Located at 7130 Fenwick Lane (Assessor's Parcel Numbers 096-521-10 and 096-521-15)"; or

- 2) "A Resolution of the Planning Commission of the City of Westminster Denying Case No. 2020-1033, Which Involves a Request for a Conditional Use Permit to Allow the Installation of an Electronic Billboard with Changeable Message Technology and a Variance to Allow the Billboard to Exceed the Maximum 35-Foot Height Limit on Property Located at 7130 Fenwick Lane (Assessor's Parcel Numbers 096-521-10 and 096-521-15)"

Contract Planner Josephine Pham provided a PowerPoint presentation to the Commission.

Commissioner Anderson, Commissioner Pham, and Chair Seid inquired about the following:

- Billboard sign face orientation in relation to the I-405 freeway
- Public service advertising requirement
- Revenue sharing/operating agreement
- Planning Commission Authority
- Close proximity of the billboard to traffic on the Goldenwest Street overpass
- Type of advertisements that might be displayed on the billboard

#### CHAIR SEID OPENED THE PUBLIC HEARING

Rafik Albert, Irvine resident from EPD Solutions, representing the applicant, stated he didn't have anything to add to the presentation. He offered that he was in agreement with the conditions of approval and he appreciated the planning commission's consideration.

Commissioner Anderson inquired if there was indeed one sign face only visible from the freeway as required by the Westminster Municipal Code. He also questioned who would own the billboard once built, what community benefit would the City receive if the billboard is built, would there be any impact to homes located to the southwest of this billboard, and if there would be any screening on the back side of the v-shaped boards.

Mr. Albert stated that he believed both signs were only visible from the freeway. The applicant plans to maintain ownership of the billboard after it is built. Mr. Albert stated that he, unfortunately, was not included in the negotiations with the agreement and not aware of the exact inclusions; but, he offered that it was very common for a certain portion of time to be allotted to non-profit or public messaging, be connected to amber alerts, and provide discounts to local businesses. Mr. Albert stated a detailed lighting analysis was prepared and the lighting impact is close to zero before reaching any homes in Westminster or Huntington Beach. Mr. Albert stated that the billboards that are built by this company are quite attractive and if it was the desire of the Commission to have a screen on the back of the billboard, they can certainly add a screen.

Glenn Emanuel, Trabuco Canyon resident, project applicant representing Outdoor Associates, LLC. Mr. Emanuel submitted a speaker card, however, Mr. Albert disclosed that he had an emergency and would not be able to attend the meeting.

Joshua Haygood, resident of Danville, Illinois from Watchfire (sign manufacturer), stated that he had no further comments to add to Mr. Albert's testimony but was available for questions.

Commissioner Anderson inquired about the construction of the sign structure, specifically asking for information about the covering around the pole. Chair Seid inquired how the brightness of the sign can be adjusted should a need arise. Mr. Haygood clarified that he was the sign manufacturer for the digital display itself, not the structure that it sits upon. He stated that sign adjustments are easily instituted remotely on the backend of the software which is only accessible through Watchfire for safety reasons; so if there is feedback that the City wishes to implement, adjustments can be made by Watchfire to fit the needs of the community.

Jodie Boyd, Westminster resident, thanked Commissioner Anderson for his very detailed questions of the applicant. She stated she would like to have the following questions answered by the applicant: 1) If the residents on Sowell Street were notified about the project, and, 2) what business reason was given as a need for the height variance.

THERE BEING NO FURTHER SPEAKERS, THE WRITTEN COMMENTS WERE THEN READ INTO THE RECORD.

Written Comment #1 – Dan Phu, Manager of Environmental Service for Orange County Transit Authority (OCTA). About the proposed project's proximity to the Caltrans' right of way and recommending the applicant process a field verification to verify the limits of the right of way.

AN OPPORTUNITY FOR REBUTTAL WAS PROVIDED

Rafik Albert, responding to Ms. Boyd's question about the height variance, stated that the reason for the request was provided in the statement of justification located in the staff report as attachment No. 12. He offered that the variance was not initially part of the request, but when they did the field testing as requested by the City, they realized that the new height of the overpass was impacting the visibility of the sign from the 405 freeway, which is the target market for the signs.

Chair Seid inquired about the notification radius to the surrounding area. Mr. Albert stated that staff might be better able to answer that question. Contract Planner Pham stated that the notification radius is 500 feet from the project site and closest residence was 800 feet away.

THERE BEING NO FURTHER COMMENTS, CHAIR SEID CLOSED THE PUBLIC HEARING.

Further discussion ensued about the residents on Sowell Street as per inquiry by Ms. Boyd. It was determined that Sowell Street was approximately 1000 feet away from the project site and would likely not be impacted by the sign.

Chair Anderson commented that the surrounding residences would not have received a notice due to their proximity being greater than 500 feet.

Chair Seid asked for clarification as to why the 500 foot radius is used for notification. Planning Manager Ratkay explained that the State law requires a 300 foot radius in the Government Code, however, the City preferred a greater notification radius at 500 feet and codified it in the City's Municipal Code. He further explained that the 500 foot notification radius is used for all types of entitlements that come before the Planning Commission and requiring a greater radius by project type may seem arbitrary or capricious.

Chair Seid inquired if there was an indication that there might be an impact to the surrounding neighborhoods related to the light being emitted from the digital display.

Alex Stepniewski with Lighting Design Alliance, hired by the City for peer review of the project, stated that the visible light is limited to 0.3 foot candles. He offered the following example to give everyone an idea: emergency egress lighting in a movie theater is 0.1 foot candles, so 0.3 foot candles is negligible. He further explained that the visible light will drop off as the distance increases. Mr. Matt Bates was also present but did not have additional information to add at this time.

**Motion: It was moved by Chair Seid**, and seconded by Commissioner Anderson, to approve the Conditional Use Permit and Variance to allow the installation of an electronic billboard with changeable message technology and to allow the billboard to exceed the maximum 35 foot height limit; including the following amendments: installation of a decorative panel covering the open space between the billboard sign faces along the northeast elevation of the sign, and, that the applicant will post a bond equal to the total cost for removal of the billboard and supporting elements should the sign ever become abandoned. The motion carried (4-0) with the following vote:

AYES:	ANDERSON, NGUYEN, PHAM, SEID
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

## 9.2 2021-0136 (Zone Text Amendment)

**Location:** Citywide where residential properties are developed with ADUs and JADUs

**Applicant:** City of Westminster

**Project Planner:** Fernanda Arias, Planning Technician

**PROJECT DESCRIPTION:** An ordinance amending the Westminster Municipal Code to increase the maximum driveway width by five feet to facilitate three off-street parking spaces for residential properties developed with Accessory Dwelling Units (ADU) or Junior Accessory Dwelling Units (JADU).

**CEQA COMPLIANCE:** The proposed project has been reviewed pursuant to the CEQA and has been found to be exempt per Class 5 (Section 15305 for Minor Alterations in Land Use Regulations). The project makes minor changes to residential parking layout standards and guidelines by allowing driveways to be five feet wider on properties developed with an ADU and/or a JADU, and will not result in any negative environmental impact. Additionally, the proposed minor zoning text amendment will not result in the construction of new structures.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt a resolution entitled, "A Resolution of the Planning Commission of the City of Westminster Recommending that the Mayor and City Council Adopt an Ordinance Amending Section 17.300.020(D)(2) of the Westminster Municipal Code to allow driveways to expand an additional five feet in width for parcels developed with an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit."

Planning Technician Fernanda Arias provided a PowerPoint presentation to the Commission.

### CHAIR SEID OPENED THE PUBLIC HEARING

Terry Rains, Westminster Resident, commented that she had wanted to make a comment on the previous item (9.1), but she arrived late to the meeting. On this item (9.2) she stated that the City's hardscape versus landscape requirement was complex and difficult to understand. She offered that most cities just offer a simple percentage of required landscaping and she would like to see Westminster's requirement simplified. In addition, she informed the Commission that there were several houses in her neighborhood that have 100% paved front yards. She opined that it was no benefit to have Codes if there is no enforcement of those Codes. She concluded with a question and asked that either the commissioners or staff confirm the number of feet from a property that would require a commissioner to recuse themselves from participating in the review of an item.

THERE BEING NO FURTHER SPEAKERS OR ANY WRITTEN COMMENTS TO READ INTO THE RECORD, CHAIR SEID CLOSED THE PUBLIC HEARING.

Commissioner Anderson stated that over the years he has seen that many Westminster home owners increase the amount of paving in their front yards all over the City. He also offered that the City's Code Enforcement Division and Community Preservation Unit have a huge case load and not enough staffing to support enforcement. He opined that adding to the driveway wouldn't really help the problem and may actually encourage ADU and JADU development. He echoed Ms. Rain's comment about the landscaping requirements being confusing.

Discussion ensued about the zoning text amendment process, the driveway options considered by the City Council, and Code Enforcement's role in enforcing the City's Municipal Code.

**Motion: It was moved by Commissioner Anderson,** and seconded by Chair Seid, to recommend that the Mayor and City Council Adopt an Ordinance Amending Section 17.300.020(D)(2) of the Westminster Municipal Code to allow driveways to expand an additional five feet in width for parcels developed with an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit." The motion carried (4-0) with the following vote:

AYES:           ANDERSON, NGUYEN, PHAM, SEID  
NOES:           NONE  
ABSENT:        NONE  
ABSTAIN:       NONE

**10. REGULAR BUSINESS - None**

**11. REPORTS - None**

**12. MATTERS FROM STAFF**

Planning Manager Ratkay offered that the planning staff was able to attend the recent virtual APA conference and they learned that a number of bills have already been approved by the legislature and awaiting signature by the Governor. He stated that information about any changes will be shared with the Commission. He offered that the October 6<sup>th</sup> meeting will likely be cancelled since there is no business currently scheduled for that meeting. He thanked the staff for their work to make the meeting happen and thanked the Commission for the work they do to make Westminster a great place.

Chair Seid asked if the next meeting would be in person. Planning Manager Ratkay stated that as of today's date, we are planning to go back to in person meetings sometime next month.

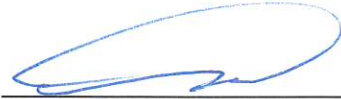


**13. MATTERS FROM THE PLANNING COMMISSION – INCLUDING AB1234 REPORTS WHEN REQUIRED**

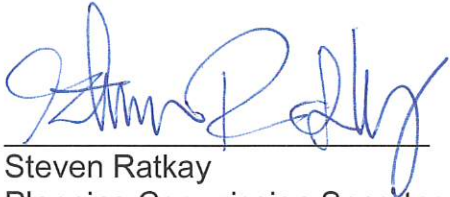
Chair Seid announced that Vice Chair Mark Nguyen resigned his position from the Planning Commission. He stated that he appreciated the time he spent with the Commission and wished him well. He thanked Assistant City Attorney Firlik, Senior Administrative Assistant Stevens, and Community Development Director Smittle for their assistance with the meeting and putting the first meeting script together.

**14. ADJOURNMENT**

The meeting was adjourned at 8:48 p.m. to a regular meeting on Wednesday, October 6, 2021 at 6:30 p.m.

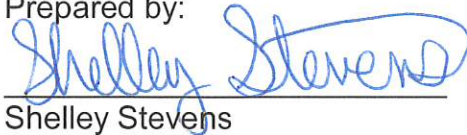


Weston Seid  
Planning Commission Chair



Steven Ratkay  
Planning Commission Secretary

Prepared by:



Shelley Stevens  
Senior Administrative Assistant