



PLANNING COMMISSION
Minutes of the Regular Meeting
In-Person Hybrid (Teleconference/Web Conference)
8200 Westminster Boulevard
Westminster, CA 92683
August 17, 2022
6:30 p.m.

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 August 17, 2022, at 6:30 p.m. via In-Person Hybrid (teleconference/Web conference), at the City Council Chambers, 8200 Westminster Boulevard, Westminster, California.

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, A. NGUYEN, Q. NGUYEN, PHAM, VU-NGUYEN

PRESENT: ANDERSON, A. NGUYEN, PHAM, VU-NGUYEN

ABSENT: Q. NGUYEN

STAFF PRESENT:

Steven Ratkay, Planning Manager; Debra Kurita, Interim Community Development Director; Memnon Torio, Assistant Planner; Josephine Pham, Contract Planner; Baron Bettenhausen, Deputy City Attorney; Shelley Stevens, Senior Administrative Assistant.

CONSULTANTS PRESENT:

Chris Dugan, noise consultant from MIG.

2. SALUTE TO FLAG

Chair Anderson led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Ratkay reported that two late communications were received for item 8.2.

4. EX PARTE COMMUNICATIONS

Chair Anderson reported visiting the sites for both items 8.1 and 8.2, but stated he did not speak to anyone about the projects. Commissioner Vu-Nguyen reported visiting the site for item 8.2.

5. SPECIAL PRESENTATIONS – None

6. ORAL COMMUNICATIONS

There were no speakers for oral communications.

7. APPROVAL OF MINUTES – August 3, 2022

Motion: It was moved by Vice Chair Pham, and seconded by Chair Anderson, to approve the minutes of August 3, 2022 as presented. The motion carried (4-0) with the following vote:

AYES: ANDERSON, A. NGUYEN, PHAM, VU-NGUYEN
NOES: NONE
ABSENT: Q. NGUYEN
ABSTAIN: NONE

8. PUBLIC HEARINGS

8.1 2022-0277(Conditional Use Permit and Development Review)

Continued from the meeting of 8/3/2022

Location: Southern California Edison-owned property between Monroe Street and Jefferson Street occupied by the Sakioka Wholesale Nursery.

Assessor’s Parcel Number: 107-821-30

Applicant: Brian De La Ree, Core Service Development (on behalf of Dish Wireless)

Project Planner: Josephine Pham, Contract Planner

PROJECT DESCRIPTION: A request for a Conditional Use Permit and Development Review to allow the construction and operation of a wireless communication facility mounted to an existing transmission tower within the Southern California Edison-owned property between Monroe Street and Jefferson Street, occupied by a wholesale plant nursery.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the requirements of the City, and has been deemed exempt from further CEQA analysis under Class 3, Section 15303, which pertains to the construction of appurtenant structures. The proposed project involves the construction of a wireless communication facility mounted to an existing transmission tower with supporting ground-mounted equipment located beneath the tower.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a resolution entitled, “A Resolution of the Planning Commission of the City of Westminster Approving Case No. 2022-0277, Conditional Use Permit and Development Review to allow the construction and operation of a Wireless Communication Facility on an existing transmission tower within the Southern

California Edison-owned property between Monroe Street and Jefferson Street occupied by the Sakioka Wholesale Nursery (APN 107-821-30).

Contract Planner Josephine Pham provided a PowerPoint presentation.

CHAIR ANDERSON OPENED THE PUBLIC HEARING.

Brian De La Ree, Authorized Agent for Dish Wireless, stated that the applicant is requesting approval with condition numbers four (4) and five (5) removed. He offered that condition number four (4) conflicted with the terms of their leased area with Southern California Edison (SCE). So, they would not be able to provide or maintain landscaping on the perimeter of the property. He offered that condition number five (5) requiring a decorative split wall face enclosure will not accommodate the necessary cellular "ice bridge" to connect the equipment at the facility. He further offered that both conditions conflict with California Public Utilities Commission (CPUC) order 95, which stipulates how SCE must maintain their equipment.

Commissioner Vu-Nguyen inquired if the cellular equipment and associated fans to keep the equipment cool was hazardous or might cause a fire. Mr. De La Ree stated that the equipment was designed in a way that it should not create a hazard, and, furthermore, it was a requirement of SCE that the equipment not cause structural harm to the tower, so strict guidelines are followed.

Phil Hickerson, representing the property owner Southern California Edison, stated he was the account manager for all cellular services that attach to the SCE towers. He offered that SCE required that operators maintain a minimum 25-foot clearance around all tower above ground infrastructure. He also offered that any equipment or enclosures underneath the towers must maintain a 2-foot clearance to the tower structure. He responded to Commissioner Vu-Nguyen's earlier question about the facility being hazardous and stated that they have never had a fire of the equipment due to weather related events. He offered that all equipment materials are non-combustible, and it is grounded to the tower. He stated that SCE was in support of this project.

Discussion ensued about the SCE landscaping requirements in relation to the tower location. Additional discussion followed regarding allowed location and materials of fencing.

Norm MacLeod, representing the applicant Dish Wireless, stated that Mr. De La Ree provided the pertinent project information. He also stated that the requirement to screen the rest of the property with landscaping seemed above and beyond the scope of what the leased project should entail, adding that the matter of screening the property seemed to be more of a property owner issue.

Discussion ensued about maintenance and inspection of the cellular equipment.

THERE BEING NO OTHER SPEAKERS AND NO NEED FOR REBUTTAL, CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Commissioner Vu-Nguyen stated she was opposed to the chain link fencing as it looked rusty and she would prefer a different material. Vice Chair Pham inquired who was responsible if the fence becomes rusty. Chair Anderson stated that he knew of another SCE location on Newland Street where the fencing was replaced with wrought iron which might be an option.

Further discussion ensued about the requirements of the fencing, equipment enclosure, and screening.

Motion: It was moved by Vice Chair Pham, and seconded by Commissioner A. Nguyen, to approve the request for a Conditional Use Permit and Development Review for Case No 2022-0277, with the following modifications to condition numbers four (4) and five (5) in the conditions of approval: To remove the chain link fencing and replace with a black wrought iron fencing along Monroe Street and to work with staff on an appropriate screening method for the ground mounted cellular equipment and screening the ice bridge if possible. The motion carried (4-0) with the following vote:

AYES: ANDERSON, A. NGUYEN, PHAM, VU-NGUYEN
NOES: Q. NGUYEN
ABSENT: NONE
ABSTAIN: NONE

8.2 2021-0154 (Two Conditional Use Permits)

Location: 15432 Brookhurst Street

Assessor's Parcel Number: 108-553-25

Applicant: Linh Hoang, Business Owner; and, Joseph Phan, Authorized Agent.

Project Planner: Memnon Torio, Assistant Planner

PROJECT DESCRIPTION: A request for two (2) Conditional Use Permits to establish and allow a new indoor amusement/entertainment (karaoke) facility with late night operations and late night hours.

CEQA COMPLIANCE: The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the City of Westminster requirements. The Project has been deemed Categorically Exempt under Class 1 of Section 15301 of the California Environmental Quality Act (CEQA), which pertains to the operation, permitting, licensing, and minor alteration of an existing private structure and facilities involving negligible or no expansion of an existing use.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a Resolution entitled, "A Resolution of the Planning Commission of the City of Westminster Approving Case No. 2021-0154, involving a Conditional Use Permit to allow an indoor amusement/entertainment (Karaoke) facility and a Conditional Use

Permit for late night operations and late night hours as defined by Westminster Municipal Code Section 17.700.010, located at 15432 Brookhurst Street (Assessor's Parcel Number 108-553-25).

Assistant Planner Memnon Torio provided a PowerPoint presentation.

CHAIR ANDERSON OPENED THE PUBLIC HEARING.

Linh Hoang, business owner; and, Joseph Phan, authorized agent and designer representing the applicant, provided construction aspects of the building, installation of sound barrier, and the type of karaoke units was purchased in relation to sound quality for the size of the rooms.

Discussion ensued about facility staffing, the business owner's experience with karaoke, technical capabilities of the karaoke units, proposed business operations and hours, sound barriers, and businesses adjacent to this facility.

THERE BEING NO OTHER SPEAKERS AND NO NEED FOR REBUTTAL, CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Discussion ensued regarding modifications to the proposed conditions of approval.

Chris Dugan, noise consultant from MIG, explained that the noise will be primarily retained in the karaoke room itself. He further explained the path of travel of the noise through various walls before being heard outside and stated that the noise would be under the City's restricted noise threshold. He also believed the level of noise by the time it arrived at nearby homes would not be heard.

Motion: It was moved by Vice Chair Pham, and seconded by Commissioner Vu-Nguyen, to approve the request for two Conditional Use Permits for Case No 2021-0154, with the following modifications: Restricting the hours of operation Monday through Thursday to close at 12:00 a.m. (midnight); adding that any minors in the facility must be accompanied by a parent at all times; adding that patrons may not bring any off-site alcoholic beverages to the location; and, that the karaoke equipment volume controls be locked in each room. The motion carried (4-0) with the following vote:

AYES:	ANDERSON, A. NGUYEN, PHAM, VU-NGUYEN
NOES:	Q. NGUYEN
ABSENT:	NONE
ABSTAIN:	NONE

9. REGULAR BUSINESS - None

10. REPORTS – None

11. MATTERS FROM STAFF

Planning Manager Ratkay apologized to the public and the Commissioners for the technical challenges we had during the meeting. He thanked staff and Deputy City Attorney Bettenhausen for all their hard work in putting together all the reports and materials for the meeting. He also thanked the Commissioners for all their hard work to serve the community.

Deputy City Attorney Bettenhausen stated that Assistant City Attorney Kathya Firlik would be returning from her maternity leave and would be assuming her role as the attorney supporting the Commission on the next meeting. He stated that it had been a pleasure providing support to the Commission in her absence.

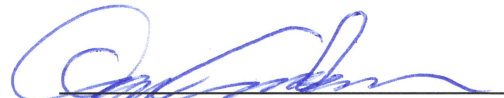
12. MATTERS FROM THE PLANNING COMMISSION – INCLUDING AB1234 REPORTS WHEN REQUIRED

Commissioner Vu-Nguyen stated that she wanted to share that she is running for City Council district four and she hoped to be elected.

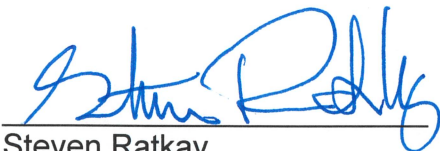
Commissioner A. Nguyen and Chair Anderson expressed appreciation to staff for being present for such a long meeting.

13. ADJOURNMENT

The meeting was adjourned at 9:16 p.m. to a regular meeting on Wednesday, September 7, 2022 at 6:30 p.m.

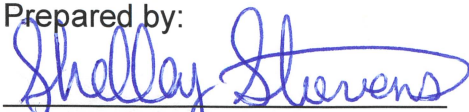


Don Anderson
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Stevens
Senior Administrative Assistant