



**PLANNING COMMISSION  
Minutes of the Regular Meeting  
Council Chambers  
8200 Westminster Boulevard  
Westminster, CA 92683  
September 20, 2023  
6:30 p.m.**

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**1. PLANNING COMMISSION ROLL CALL:**

**ANDERSON, BUI, HAMADE, POWER, WOLBERT**

PRESENT: ANDERSON, BUI, HAMADE, POWER, WOLBERT

ABSENT: NONE

**STAFF PRESENT:**

Steven Ratkay, Planning Manager; Sandie Kim, Associate Planner; Russell Miyahira, Assistant City Attorney; Shelley Stevens, Senior Administrative Assistant.

**2. SALUTE TO FLAG**

Commissioner Wolbert led the salute to the flag.

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

Planning Manager Ratkay reported that there was one late communication pertaining to item 8.1 on the agenda.

**4. EX PARTE COMMUNICATIONS**

Commissioner Anderson reported visiting the project site and speaking with staff regarding item 8.1.

**5. SPECIAL PRESENTATIONS - None**

**6. ORAL COMMUNICATIONS**

No members of the public spoke for oral communications.

**7. APPROVAL OF MINUTES – September 6, 2023**

**Motion: It was moved by Commissioner Anderson, and seconded by Vice Chair Hamade, to approve the minutes of September 6, 2023, as presented.**

The motion carried (5-0) with the following vote:

AYES: ANDERSON, BUI, HAMADE, POWER, WOLBERT  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

## 8. PUBLIC HEARINGS

### 8.1 2022-0278 (Conditional Use Permit and Development Review)

**Location:** Southern California Edison owned property located between Newland Street and Interstate-405 Freeway along Heil Avenue, currently occupied by a plant nursery business in the City of Westminster, CA 92683

**Assessor's Parcel Number:** 107-491-16

**Applicant:** Brain De La Ree, Core Service Development/DISH Wireless

**Property Owner:** Southern California Edison

**Project Planner:** Sandie Kim, Associate Planner

**PROJECT DESCRIPTION:** A request to allow the construction and operation of a wireless communication facility mounted to an existing transmission tower within the Southern California Edison owned property.

**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, California, approving Case No. 2022-0278, 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 located between Newland Street and Interstate-405 Freeway in the City of Westminster, CA 92683 (APN: 107-491-16).

Associate Planner Sandie Kim provided a PowerPoint presentation to the Commission.

Commissioners asked clarifying questions regarding how many cellular sites were within the City and the relation of Dish Wireless to Dish Network Satellite carrier.

CHAIR BUI OPENED THE PUBLIC HEARING.

Brian De La Ree, present from Butler Telecom representing DISH Wireless, stated this was the second facility that has been brought before the commission. He provided some history about Dish Wireless and their needs for new facility placements as a new carrier in order to create their cellular network for Dish Wireless customers.

He explained that staff has asked for the surrounding perimeter fencing be replaced and they've proposed either vinyl covered chain link fencing or chain link fencing with the slats within the chain link.

They submitted a letter regarding condition #4 landscaped area if the nursery ceased to exist. Edison will not approve permanent landscaping. They are asking for condition #4 regarding landscaping to be removed.

Commissioner Anderson inquired why the previously approved project on Monroe has not met the conditions of approval for wrought iron perimeter fencing to be installed and questioned the brick (CMU) enclosure when there was to be no permanent structure on the Southern California Edison (SCE) property. He also inquired if the Dish Wireless antennas have been installed in that location.

Mr. De La Ree stated that the Dish Wireless antennas are up but have not been activated yet. The CMU enclosure was allowed by SCE on the Monroe project because the entire CMU enclosure maintained a footprint directly underneath the tower. And, lastly, the replacement of the wrought iron perimeter fencing was still planned for that location, but they are having some ongoing discussions with SCE about the approval of the fence. He added that the building permit for the Monroe project is still active, so they are still processing the project according to SCE's schedule.

Vice Chair Hamade inquired if there was a time limit placed in the conditions of approval for the Monroe Street Project wrought iron fencing. Mr. De La Ree responded that there were no time limits placed in the conditions of approval.

Chair Bui inquired about the negative affect of the electromagnetic energy and radiation emitted from the cellular equipment. Mr. De La Ree responded that acceptable levels are determined by the Federal Communications Commission (FCC) and that Attachment No. 4 in the staff report there is a Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report that was prepared which explains any potential exposures. He further explained that the equipment is mounted at a height of 65 feet which limits exposure.

Chair Bui inquired if all residents in the area were notified of this project. Planning Manager Ratkay affirmed that all residents within a 500-foot radius were notified.

Commissioner Wolbert inquired how long the project on Monroe had been in operation. Mr. De La Ree responded that the equipment was not in operation yet and that Dish Wireless is still building their network and needed multiple nodes in the area

to increase their coverage for customers.

Norman MacLeod, zoning manager for Dish Wireless, stated that the exposure levels of electromagnetic energy were well below the established guidelines. He offered that Dish wireless was the newest wireless provider to the community and to the nation. He provided that Dish came into the market after the merger of T-Mobile and Sprint as the FCC wanted to ensure there was continued competition which will help keep wireless pricing down for consumers. He offered that the location before the Commission tonight was one of several sites in the region. He stated that they typically try to shield their equipment from the surrounding community and the proposed aluminum slatted enclosure for this project is an upgrade from the CMU enclosure that was used on the previous site.

The speakers three-minute time limit had been exceeded. The commission consensus was to extend the time for this speaker.

Mr. MacLeod continued that Dish Wireless would prefer to keep the City informed on future development, but they are beholden to the SCE schedule. He offered that the issue other location on Monroe street is that they are still in the building permitting process and still need final inspections before the City can request power to be turned on. So, there were still several steps before activating that location. In relation to the previously discussed wrought iron fence for that location, it is part of the final approval and will be part of the final inspection.

Vice Chair Hamade stated the fencing is very important to keep children and the homeless population from entering the perimeter fencing. Mr. MacLeod agreed. There was further discussion about Dish Wireless coverage areas across the nation.

THERE BEING NO OTHE SPEAKERS, CHAIR BUI CLOSED THE PUBLIC HEARING.

Commissioner Anderson commented that he was very pleased in the project overall and the proposed equipment screening was much more attractive than the block wall enclosure that was installed on the Monroe Dish Wireless project. He added that he heard from Mr. MacLeod that the City will be kept in the loop on the status of future Dish Wireless projects. He stated that he had taken a picture at a wireless project on a SCE property off Newland Street where a wrought iron fence was installed, he shared that picture with the public. He opined that it enhanced the look of the area. He offered that he was not as concerned with landscaping since the other tenant that was on the site was a plant nursery and potted plants are near the fencing, but he further offered that he would prefer to have a wrought iron fence in lieu of the proposed chain link fence.

Vice Chair Hamade stated he was in strong agreement with Commissioner Anderson regarding the requirement of a wrought iron fence.

Commissioner Power inquired if the requiring wrought iron fencing was consistent with past practices. Commissioner Anderson responded that it was consistent starting with the project on Newland. He was unable to speak about other projects that may have been approved while he was not serving on the Commission but was able to offer that it was required for the Newland site, the Monroe site, and now this site.

Commissioner Wolbert stated that it was clear that the grass in front of the site was not being maintained by SCE or anyone else.

Commissioner Anderson stated that it was his understanding that the parkway was the responsibility of the adjacent property owner, in this case Southern California Edison. He added we could certainly have SCE adopt a maintenance program to require that tenants keep up the parkway.

A MEMBER OF THE PUBLIC PRESENT IN THE AUDIENCE INDICATED A DESIRE TO SPEAK, SO CHAIR BUI RE-OPENED THE PUBLIC HEARING

Zino Pepper, owner of adjacent property to the east side of the power lines, offered that Commissioner Wolbert mentioned the maintenance issue on the dirt area next to the fence and that area used to be maintained by the nursery but has not been maintained for some time. He stated they had a fairly regular dumping problem there as well, wrought iron fencing frequently gets dumped there. He added that it was a struggle to get someone out to take care of the issue since it was on the border of Huntington Beach. He concluded that he would greatly appreciate some sort of sprinklers and vegetation being installed there and the wrought iron fencing would make the area look so much nicer.

CHAIR BUI CALLED THE APPLICANT FOR REBUTTAL

Norman MacLeod, stated he was in total alliance with the nearby resident, however, he wanted to make the point that Dish Wireless was a tenant of SCE and they were not responsible for the condition of the existing property. He added that SCE had an existing agreement with the on-site nursery to maintain the site. He also wanted to point out that wherever the dumping is occurring, that was also not a Dish Wireless responsibility. He concluded that Dish Wireless was going above and beyond by installing a wrought iron fence in order to beautify the corridor but wanted to reiterate that Dish Wireless was a tenant of SCE.

CHAIR BUI CLOSED THE PUBLIC HEARING

**Motion: It was moved by Commissioner Anderson,** and seconded by Vice Chair Hamade to approve Case No. 2022-0278, 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 located between Newland Street and Interstate-405 Freeway, with the following amendments to the conditions of approval: 1) Landscaping of the site is not

required, and 2) that a wrought iron perimeter fence be installed in lieu of the originally proposed chain link fencing. The motion carried (5-0) with the following vote:

AYES:           ANDERSON, BUI, HAMADE, POWER WOLBERT  
NOES:           NONE  
ABSENT:        NONE  
ABSTAIN:       NONE

**9. REGULAR BUSINESS - None**

**10. REPORTS – None**

**11. MATTERS FROM STAFF**

Planning Manager Ratkay stated that there were about 30 planning related bills currently sitting on the Governor’s desk in Sacramento and added that we will be reviewing those bills in upcoming meetings. He also thanked staff and the commissioners for their efforts.

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

Commissioner Anderson followed up on the grounds of the site location for item 8.1 not being maintained properly. He asked Planning Manager Ratkay to follow up on the issue by referring it to whatever department can contact Southern California Edison about property maintenance. He added the local residents shouldn’t have to put up with a lack of maintenance and discarded items on that property.

Chair Bui thanked everyone for a successful meeting and thanked the PCTA crew for broadcasting the meeting.

**13. ADJOURNMENT**

The meeting was adjourned at 7:38 p.m. to a regular meeting on Wednesday, October 4, 2023 at 6:30 p.m.

  
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Steven Ratkay  
Planning Commission Secretary

  
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Tony Bui  
Planning Commission Chair

Prepared by:

/S/Shelley Stevens

Shelley Stevens  
Senior Administrative Assistant