

CITY OF WESTMINSTER
RESOLUTION NO. XXXX

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA, DENYING THE APPEAL AND APPROVING CASE NO. 2024-0160 A REQUEST FOR DEVELOPMENT REVIEW AND A VARIANCE FOR HEIGHT IN ASSOCIATION WITH A NEW 2-STORY INDUSTRIAL WAREHOUSE LOCATED AT 15172 GOLDENWEST CIRCLE (APN 142-315-03 & -421-13)

WHEREAS, Francisco Contreras, submitted an application on September 24, 2024, requesting to develop and operate a new 2-story industrial warehouse located at 15172 Goldenwest Circle (142-315-03 & -421-13); and

WHEREAS, approval of the project required approval of development review and a height variance; and

WHEREAS, a notice of intent to adopt a mitigated negative declaration and a notice of public hearing describing the project, date, time, and location of the hearing was published in the Westminster Herald and mailed on June 12, 2025, to all property owners of record and occupants within a 500-foot radius of the project boundaries at least 20 days prior to the hearing date. A notice was also posted at the project site, City Council Chambers, City Hall, Westminster Branch Library, Community Services and Recreation Building, and on the city's website; and

WHEREAS, on July 2, 2025, the Planning Commission of the City of Westminster, California, held a duly noticed public hearing on the subject applications, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties and adopted Planning Commission Resolution 25-012, approving the Development Review and Variance, and Resolution 25-013, approving the associated Initial Study/Mitigated Negative Declaration; and

WHEREAS, on July 16, 2025, the appellant, the Supporters Alliance for Environmental Responsibility (SAFER) filed an appeal in accordance with Westminster Municipal Code (WMC) Chapter 17.640, challenging the Planning Commission's approval of Case No. 2024-0160 and the associated Mitigated Negative Declaration; and

WHEREAS, a public hearing on the appeal was noticed and scheduled for the November 12, 2025 City Council meeting, but was pulled from the meeting due to last minute comments submitted by the appellant which required further review and the public hearing was continued to a date uncertain; and

WHEREAS, a notice of public hearing describing the project, date, time, and location of the hearing was mailed on May 30, 2026, to all property owners of record and

occupants within a 500 feet radius of the project boundaries at least 10 days prior to the hearing date. A notice was also posted at the City Council Chambers, City Hall, Community Services and Recreation Building, and on the city's website; and

WHEREAS, on June 10, 2026, the Mayor and City Council of the City of Westminster, California held a duly noticed public hearing on the subject application (Case No. 2024-0160), considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties; and

WHEREAS, the Mayor and City Council, after careful consideration of all statements and evidence presented, has determined that the project and associated applications meet the intent and purpose of the City's General Plan and Zoning Ordinance and will not impair the public health, safety, and general welfare; and

WHEREAS, prior to adopting this Resolution the City Council adopted Resolution No. XXXX, denying the appeal and adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for this Project;

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of the City Council.

SECTION 2. Required Variance Findings. Pursuant to Section 17.555.020 of the Westminster Municipal Code ("WMC"), the City Council makes the following specific findings of fact related to the granting of the Variance.

- A. *There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography) or to the intended use of the property, so that the strict application of the WMC denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.*

The property is located directly adjacent to a raised section of Interstate 405, where the freeway height over grade varies from 10 feet above grade at the western property line to approximately 20 feet over grade at the eastern property line, which has an additional 10 foot high sound wall that has been constructed at the edge of the freeway. This creates a situation where, due to the raised freeway and sound wall, any signage placed on the building would not be visible from the freeway, a privilege that is enjoyed by the other industrial zoned properties along the Interstate 405 corridor. The height variance allows for placement of a sign on the proposed building that will be visible from the freeway, providing the same visibility to this business that other businesses enjoy. Any proposed wall signs would still be subject to the requirements and standards for signage in industrial areas found in the WMC.

- B. The strict application of the applicable development standard creates an unnecessary, involuntarily created hardship or unreasonable regulation that makes it obviously impractical to require compliance with the development standards.*

The strict application of the zoning code with regards to building height creates a situation where signage which is allowed by the zoning code will not have any visibility due to the height above grade of Interstate 405 and the constructed sound wall. This creates a hardship for the business, which will not have visibility for any signage without a variance from the zoning code.

- C. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought.*

Other industrial properties and businesses along the Interstate 405 corridor enjoy signage on the freeway facing exterior wall, which provides visibility for their business to freeway traffic. Due to the height of the interstate and the soundwall, the subject property would lose that same visibility if the height standards of the WMC were strictly enforced. Granting the variance for building height to allow a 44-foot tall building allows the applicant to construct a building with the same visibility enjoyed by other property owners in the vicinity and same zoning district.

- D. The project is consistent with the General Plan and complies with all other applicable provisions of the WMC.*

The project site has a General Plan designation of industrial and is zoned Medium Industrial (M2), which allows for warehousing uses as a permitted use. Other than the requested variance for height, the project complies with all other applicable development standards, including parking, setbacks and lot coverage.

SECTION 3. Required Development Review Findings. Pursuant to Section 17.520.020 of the Westminster Municipal Code ("WMC"), the City Council makes the following specific findings related to the granting of the Development Review.

- A. The proposed development will not be detrimental to the public health, safety and welfare.*

The proposed development will be designed and constructed in accordance with all applicable building, fire, and accessibility codes, ensuring a safe and secure industrial facility. The building will include automatic fire sprinklers, fire-resistant construction materials, and adequate emergency access in compliance with the latest fire and life safety regulations. Additionally, the project will meet current seismic safety standards. Accessibility features such as ADA-compliant parking, pathways, and entryways will also be incorporated to accommodate individuals

with disabilities. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

- B. The proposed development is in full compliance with the WMC, including with the design guidelines manual.*

The proposed project complies with all applicable zoning, development, and design standards outlined in WMC Title 17 (Zoning Code), with the exception of building height, which is addressed through a Variance. The Medium Industrial (M2) zoning allows for industrial uses, including the proposed warehouse facility, and the project meets required parking, landscaping, and site design standards. The proposed building incorporates architectural articulation, varied materials, and massing techniques to align with the City's Industrial Design Guidelines, ensuring an attractive and functional design. Therefore, the proposed development is in full compliance with the WMC, including with the design guidelines manual.

- C. The proposed development will not adversely affect the General Plan and any applicable Specific Plan and it is consistent with the General Plan.*

The site is designated Industrial in the General Plan Land Use Element, which allows for medium and light industrial uses such as manufacturing, warehousing, and research and development, provided they are conducted indoors or adequately screened. The proposed development is consistent with this designation and is designed to accommodate indoor warehousing and office uses. There are no applicable specific plans for the project site.

- D. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, water, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.*

The project site is located within a fully urbanized area with access to established public infrastructure and utilities, including water, sewer, storm drains, and electrical services, all of which are adequate to support the proposed development. The project has been designed to connect to existing public streets and sidewalks, ensuring safe pedestrian and vehicular circulation. Fire and emergency services are readily available, and the site will be equipped with fire protection devices such as sprinklers and hydrants per the Fire Code. Additionally, the development will comply with stormwater management regulations, ensuring proper drainage and water quality control. Therefore, the existing or proposed public facilities necessary to accommodate the project will be available to serve the subject site.

SECTION 4: Approval. Based on the findings set forth above, the City Council hereby approves Case No. 2024-0160 and grants the Variance and Development Review

requests, subject to compliance with the Westminster Municipal Code and the conditions of approval set forth below.

SECTION 5: Effective Date. This Resolution shall take effect immediately.

SECTION 6. Mayor Signature. The Mayor shall sign as to the passage, approval, and adoption of this Resolution.

SECTION 7. Certification. The City Clerk shall certify to the passage and adoption of this resolution and shall affix their signature and City Seal and that same shall be entered into the Book of Resolutions.

SECTION 8. Conditions.

1. The applicant and the property owner agree to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Case No. 2024-0160. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City's approval of this project, the applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For the purposes of this section "the City" includes the City of Westminster's elected officials, appointed officials, officers, and employees.
2. The property owner affected by the proposed project acknowledges all of the conditions of approval and accepts this resolution subject to those conditions and with full awareness of the provisions of Westminster's Municipal Code. These conditions are binding to all future property owners of the subject property.
3. The development and/or use shall conform to all applicable provisions of the Westminster Municipal Code.
4. All mitigation measures set forth in the Mitigation Monitoring and Reporting Program are hereby incorporated as conditions of approval.
5. The subject property shall be developed in substantial conformance with the approved plans as reviewed by the Planning Commission and Planning Division, unless revised or modified by the approving body pursuant to WMC Section 17.510.035.
6. The subject entitlements (Case No. 2024-0160) may be modified or revoked by the City should it be determined, after notice and a hearing as consistent with Chapter 17.650 of the Municipal Code, that the proposed use or conditions under which it was permitted are detrimental to the public health, welfare, or materially

injurious to property or improvements in the vicinity or if the use is maintained as to constitute a public nuisance.

7. The approval shall expire three years from the date of approval if the use has not been exercised, unless a time extension is requested and granted pursuant to WMC Section 17.510.030.

Prior to the issuance of any grading or building permit

8. The applicant or responsible party shall submit the plans listed below to the Orange County Fire Authority for review and obtain OCFA approval: fire master plan (service code PR145), gates (service code PR180), and underground piping for private hydrants (service code PR470-PR475). (OCFA)
9. Prior to issuance of a Building Permit, the applicant shall submit a Grading Plan and supporting documents for review and approval of the City Engineer. Plan shall use City of Westminster Title Block and shall be prepared by developer's Registered Civil Engineer. When plan check is complete, the Applicant shall submit three sets of final Plan for approval and signature of the City Engineer. (PW)
10. The applicant shall construct the following Public Works Improvements (per approved plans & City Standards) and indicate these improvements on the grading plans/improvement plans. Additional improvements may be required during grading plan check; see City of Westminster Grading Plans/Utility Plans Submittal requirement.
 - Goldenwest Circle:
 - Paving per City Std 609 for all utility connections (PW)
11. The applicant shall construct the following On-Site Improvements (per approved plans & City Standards) and indicate these improvements on the plan:
 - On-site parking shall be per City Std. 509
 - Water quality BMPs per approved WQMP (PW)
12. Prior to issuance of the Grading Permit, applicant shall execute an "Agreement for Grading and Street Improvements" for construction of improvements and post the following Surety Bonds or an equivalent cash deposit in the amount to be determined based upon a cost estimate for grading and street and utility improvement work.
 - Provide detailed cost estimate for on-site earthwork, drainage, water quality related improvements, erosion and sediment control, removal of proposed structures, and all off-site public improvements
 - Provide Performance Bond – 100% of cost estimate
 - Provide Labor and Material Bond – 100% of cost estimate (PW)

13. Prior to the commencement of any work in the Public Right-Of-Way, applicant shall obtain an Encroachment Permit and shall make arrangements for inspection by the City of Westminster. (PW)
14. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review upon request. (PW)
15. For priority projects, prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by City Engineer or City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan (WQMP) that:
 - Discusses regional or watershed programs (if applicable)
 - Identifies selected LID and Hydromodification (as applicable) BMPs
 - Identifies any applicable waivers, alternative programs, and Treatment Control BMPs
 - Incorporates the applicable Source Control BMPs
 - Describes long-term operation and maintenance requirements for BMPs
 - Identifies the entity that will be responsible for long-term operation and maintenance of the BMPs
 - Describes the mechanism for funding the long-term operation and maintenance of the BMPs (PW)
16. For priority projects, prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - Demonstrate that all LID and other structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications
 - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP
 - Demonstrate that an adequate number of copies of the project's approved final Project WQMP are available for the future property occupants
 - Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (optional if included in final Project WQMP) (PW)
17. The Project WQMP shall be approved prior to issuance of grading permit. (PW)

18. Original Caltrans channel adjacent to site has been removed. Grading plan shall include information on the connection of on-site drainage to the new Caltrans drainage system. Obtain Caltrans permit for new drainage connection. (PW)
19. A sewer permit will be required for the project. On the grading plan, show the sanitary sewer and lateral location and show any existing sewer lines which are to remain. Please add the construction notes for the sewer line that includes size, type, and slope for the proposed sewer line. (MCSD)
20. The trash enclosure must be based on the Midway City Sanitation District standards and specifications. Any on-site gates must be located to ensure access to any and all trash enclosures. (MCSD)
21. Comply with Police Department Non-Residential Building Security Requirements. Add a note to the General Notes section that the project is to comply with these requirements. (WPD)
22. Prior to the issuance of building permits, the applicant shall demonstrate they have met the Police Department Building Security Requirements for lighting by providing a photometric plan for review by the Police department. The electrical plan shall show light fixture locations, type of light fixture, height of light fixture, lighting ratio, and point-by-point photometric lighting analysis overlaid onto a tree landscape plan with a legend. The photometric plan should only show those fixtures used to meet the lighting requirements. (WPD)

Prior to the issuance of a Certificate of Occupancy

23. The applicant or responsible party shall submit the plan listed below to the Orange County Fire Authority for review and obtain OCFA approval: fire alarm system (OCFA)
24. Prior to obtaining permit close-out and/or any type of occupancy, the supplicant shall demonstrate that a Mater Covenant and Agreement Regarding O&M Plan to Fund and Maintain Water Quality BMPs and all required items were recorded at the County Recorder's office. (PW)

PASSED, APPROVED, AND ADOPTED this 10th day of June, 2026.

CITY OF WESTMINSTER

CHI CHARLIE NGUYEN
MAYOR

ATTEST:

SANDRA ESCUDERO, MMC
INTERIM CITY CLERK

APPROVED AS TO FORM:

SCOTT E. PORTER
CITY ATTORNEY

DRAFT

DRAFT

PAGE INTENTIONALLY LEFT BLANK

**CITY OF WESTMINSTER
CITY CLERK'S OFFICE**

**CERTIFICATION
OF
RESOLUTION**

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, Sandra Escudero, MMC, Interim City Clerk of the City of Westminster, California, do hereby certify that the foregoing Resolution No. XXXX was duly passed, approved, and adopted by the City Council of the City of Westminster at a Regular Meeting held on the 10th day of June 2026, with the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Sandra Escudero, MMC
Interim City Clerk

DRAFT

PAGE INTENTIONALLY LEFT BLANK