



**PLANNING COMMISSION  
Minutes of the Regular Meeting  
Council Chambers  
8200 Westminster Boulevard  
Westminster, CA 92683  
April 19, 2017  
6:30 p.m.**

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**1. PLANNING COMMISSION ROLL CALL:**

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

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

ABSENT: MANZO

**STAFF PRESENT:**

Steven Ratkay, Acting Planning Manager; Christina Michaelis, Assistant Planner; Sandie Kim, Assistant Planner; Braulio Moreno, Contract Assistant Planner; Memnon "Meme" Torio, Planning Intern; Margie Rice, Council Member; Soroosh Rahbari, Community Development Director; Tami Piscotty, Housing Coordinator; Dave Ferronato, Police Sergeant; Mike Chapman, Police Commander; Michael Son, Administrative Assistant II; Keith Collins, Assistant City Attorney; Shelley Dolney, Administrative Assistant.

**2. SALUTE TO FLAG:**

Commissioner Bui led the salute to the flag.

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

Acting Planning Manager Steven Ratkay stated there were two late communication items related to 8.2, the first was a revision to the CEQA resolution and the second was a document provided by a resident regarding the public hearing of the proposed project.

**4. EX PARTE COMMUNICATIONS –**

Vice Chair Rice stated she drove by both locations and met with the following people regarding item 8.2: Development Consultant Brian Fisk, Housing Coordinator Tami Piscotty, Community Development Director Soroosh Rahbari, Councilwoman Margie Rice, and a representative from American Family Housing.

The other Commissioners had nothing to report.

**5. SPECIAL PRESENTATIONS - None**

**6. ORAL COMMUNICATIONS**

Mark Peterson, Westminster resident, was concerned about compensation rates stated in the City of Westminster's Mobile Home Park Conversion Ordinance. He stated the Ordinance was approved in 1994 and compensation rates for residents affected by a mobile home park conversion is outdated and requested both the Planning Commission and City Council consider revising the Ordinance.

**7. APPROVAL OF MINUTES – April 5, 2017**

**Motion:** It was moved by Commissioner Bui, and seconded by Commissioner Q.Nguyen, to approve the Planning Commission meeting minutes of April 5, 2017, as presented. The motion carried (4-0) with the following vote:

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

**8. PUBLIC HEARINGS**

- 8.1 Case No. 2015-57** (Development Review II & Affordable Housing Density Bonus)  
**Location:** 7214 & 7251 20<sup>th</sup> Street (APN # 096-063-09, 096-063-10, 096-063-11)  
**Applicant:** Chad Casenhiser

A request for consolidation of three (3) lots to accommodate the development of 11 multi-family residences, which includes a density bonus pursuant to California Government Code Sections 65915 through 65918.

**CEQA COMPLIANCE:** The proposed matter is exempt from CEQA pursuant to Class 32; Section 15332 pertaining to an in-fill development less than 5 acres.

**RECOMMENDATION:** That the Planning Commission adopt a resolution recommending to the Mayor and City Council approval of the requested Development Review and Affordable Housing Density Bonus.

Assistant Planner Sandie Kim provided a presentation to the Commission.

**VICE CHAIR RICE OPENED THE PUBLIC HEARING AND ASKED THOSE IN FAVOR TO SPEAK**

Chris Albers, owner of the properties where the proposed project will be located, stated he appreciated the presentation by Sandie Kim and he was available for questions.

Commissioner Bui was concerned if there was enough parking spaces for the project. Mr. Albers affirmed the project met the required parking standards. Commissioner Rice inquired if Mr. Albers would be able to put in two units for low income versus one unit for very low income. Mr. Albers confirmed he was open to either option based on whatever housing demand best suit the City's needs.

Don Anderson, Westminster resident, was concerned about the extensive use of siding and the proposed use of Masonite. He is in favor of the project, however, he suggested that the Commission may have the applicant use an alternative material of vinyl, wood, or cement board.

VICE CHAIR RICE INVITED THOSE IN OPPOSITION TO SPEAK, THERE BEING NONE VICE CHAIR RICE ASKED MR. ALBERS IF HE WOULD LIKE TO COME UP FOR REBUTTAL OF ANY STATEMENTS MADE BY MR. ANDERSON

Chris Albers stated he appreciated the feedback, adding that the push towards siding was determined with City staff. He felt the quality of Masonite met the needs of the project.

THERE BEING NO FURTHER SPEAKERS, VICE CHAIR RICE CLOSED THE PUBLIC HEARING

**Discussion:**

Commissioner A. Nguyen stated he was ready to make a motion. Vice Chair Rice stated she would like to add two low income units to be placed in the motion verses one very low income unit as proposed.

**Motion:** It was moved by Commissioner A. Nguyen, and seconded by Commissioner Bui, to adopt a resolution for Case No. 2015-57 recommending approval to the Mayor and City Council of a Development Review II and Affordable Housing Density bonus including two low income units. The motion carried (4-0) with the following vote:

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

- 8.2 Case No. 2016-57** (Conditional Use Permit, Development Review, Variance, Affordable Housing Density Bonus, and Mitigated Negative Declaration)  
**Location:** 14800 Beach Boulevard (APN # 097-121-25)  
Della Rosa Supportive Housing Project  
**Applicant:** Affirmed Housing, Inc.

A request to consider 1) A Conditional Use Permit in the C-1 Local Business District for Supportive housing as permitted in the Municipal code for permanent affordable housing; 2) A Variance to exceed the maximum allowed building height; and, 3) A Development Review to develop the site with 50 supportive housing units, which includes a density bonus pursuant to California Government Code Sections 65915 through 65918.

CEQA COMPLIANCE: The proposed matter was determined not to be Categorical Exempt and pursuant to Section 15063 (d)(3) of the Guidelines for Implementation of the California Environmental Quality Act and an environmental Initial Study and Mitigated Negative Declaration have been prepared.

RECOMMENDATION: That the Planning Commission:

- 1) Adopt a resolution recommending that the Mayor and City Council adopt a Mitigated Negative Declaration associated with Case No. 2016-57 (Della Rosa Supportive Housing Project); and
- 2) Adopt a resolution recommending that the Mayor and City Council approve Case No. 2016-57 involving a Conditional Use Permit, Development Review, Variance, and Affordable Housing Density Bonus.

Acting Planning Manager Steven Ratkay provided a PowerPoint presentation to the Commission. He described the proposal, the zoning, the condition of the current building, the affordable density bonus, and parking requirements.

Housing Coordinator Tami Piscotty provided a presentation to the Commission. She described the condition of the current building, the visibility of the project from Beach Boulevard, the disposition of the overhead Southern California Edison power lines, the affordable housing needs, the project funding sources, the management of the site rentals and social service provisions, and the selection process for the rentals.

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

Melody Lock, project manager at Affirmed Housing, provided a PowerPoint presentation to the Commission. She stated Affirmed Housing has over 25 years of experience developing affordable communities in California. She provided examples of other Affirmed Housing projects.

Commissioner Bui inquired about the slide showing existing and proposed building elevations, he wished to confirm if the Southern California Edison power lines will remain or be placed underground. Ms. Lock explained the SCE poles will remain on site and above ground. Mrs. Piscotty returned to the podium to clarify that undergrounding the power lines would be cost prohibitive, so the power lines will remain.

Commissioner Bui inquired about the selection process for the units. Shirley St. Juste from American Family Housing came to the podium to clarify the selection process, stating there is a multi service screening process to make sure that the people selected get the services they need and that they will not cause harm to other people residing in the location.

Jack Gallagher, architect with the Dahlin Group, in favor of the project and available for questions.

Shirley St. Juste, American Family Housing, stated American Family Housing has been in the community for about 30 years. She provided examples of projects, including Potter's Lane which houses 16 formerly homeless United States Veterans, and a list of the services they provide to clients.

Lindsay Quackenbush, with Affirmed Housing, went over the history of the project, the proposed design, the proposed use, presentation of the project, and the tax credits. He stated he was available to answer any questions.

Gianna Solari-Richards, President of Solari Enterprises, stated they will provide the property management services for the project. She added they have managed the Rose Gardens Apartments in the City for over 20 years. They are specialists in affordable housing and well versed in the needs of the community.

Commissioner Bui inquired about tenant's rights and if restricting ownership would violate the Equal Opportunity Housing Act. Ms. Solari-Richards stated the right to have a car or not have a car will be described in the lease. She further explained that people with cars are not a protected class in regards to restricting ownership on the lease.

Housing Coordinator Tami Piscotty returned to the podium to further explain the car ownership issue to the Commission. She stated there is another project on Locust Street where some of the residents are not allowed to own cars so they are familiar with this restriction. She provided an example of the partnership between the City, American Family Housing, and the City's Police Department to ensure compliance with that the car ownership restriction.

Don Anderson, Westminster resident, stated when he started working for the City homeless people were around but they were not seen; and, that is not the case today. He offered that this project is a great chance to address the homeless situation, add affordable housing for the non-homeless, and to clean up a blighted area. He encouraged the Planning Commission to endorse the project.

VICE CHAIR RICE ASKED THOSE IN OPPOSITION TO SPEAK.

Gene Bower, Midway City resident, stated she has lived in Midway City for 40 years. She provided a petition from other residents opposed to the project. She listed several

locations in Midway City where supportive services are located in her neighborhood. She stated she was opposed to the name of the previously mentioned Potter's Lane project, noting that "Potters Field" was a place where the indigent were buried when she was growing up and she found the name offensive. She added that the area is oversaturated with supportive services and that Midway City should not have to absorb more homeless in the area. She felt that a housing project on Beach Boulevard was inappropriate and felt that the building should remain a small business location and the City should encourage business and clean-up of the blighted area.

Kathy Abeedi, Midway City resident, stated she has lived on Adams Street for 13 years and she is concerned about the traffic flow and parking around the project site. She felt that if a resident violated their lease agreement, they would be back on the street. She urged the Commission to consider the neighbors surrounding the proposed project location.

Mark Peterson, Westminster resident, stated that the minimum parking requirement is only the minimum and the developer can choose to provide additional parking for the project. He felt that residents of the project may put a vehicle in another person's name in order to avoid the car restriction on their lease. He felt the location was unsafe for housing abutting Beach Boulevard. He also stated the location should be used for very low commercial or possibly a park. He suggested that the City purchase property in more affordable areas, such as Lancaster, Bakersfield, or the State of Arizona for affordable housing options.

#### VICE CHAIR RICE ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL

Melody Lock, stated the lease will have the restrictions of parking or car ownership in the lease so residents will know of the restriction in advance. She listed the parking spaces available to the residents in the complex, stating the 25 units for the homeless residents will have a no car restriction on their lease, the other 24 units for low income residents will have a one car maximum on their lease, and there are 5 open guest parking spaces for any visitors to the property to provide ample parking for the site. She also stated there is a transit line right in front of the project and a shared vehicle on-site to transport residents to doctors or grocery store. In response to the concern about safety, she stated the cinderblock sound wall in front of the property will also provide a safety feature from traffic along Beach Boulevard.

Jack Gallagher, spoke about the windows being set back 25-30 feet from the jurisdictional boundary and didn't feel the height or location of the windows should be a cause for concern. In response to Commissioner A. Nguyen's question about raising the height of the window, Mr. Gallagher stated they have to comply with Fire Department regulation for access to the bedroom so they would not be able to change the window height.

Acting Planning Manager Steven Ratkay informed the Commission that the properties located on the east side of the project located in Midway City are designated under

the County of Orange zoning classification of Multi-Family R-3 with a height limit of 65 feet, so there is a possibility of the abutting properties possibly building a structure taller than the proposed project in the future.

Commissioner Bui, asked Mr. Gallagher about the proposed layout and if the busy street was considered when the project was designed. Mr. Gallagher stated it was pretty common in an urban environment to build a project this close to the street, additionally they have a sound wall and sound rated glass to mitigate the noise impact.

Commissioner Bui commented he felt the location would create a poor environment for residents and he didn't feel housing was the best use for the land; stating it was a better use for the City to have businesses at the location. He added that the income generated from the business entities could help house the homeless in another area.

Lindsay Quackenbush addressed Commissioner Bui's comment stating that this area is blight in the City. He stated there is nothing driving an economic revitalization of this area, so it will continue to remain as it is today. He added that it was not the most desired location, it had challenges, but they have designed a project that adapts nicely to the challenges. He echoed Mr. Gallagher's comment that a lot of people live in very dense areas and that with the sound walls, sound windows, and air conditioning units provide an appropriate environment for the residents. He wished to emphasize that doing nothing would only keep blight there indefinitely.

Acting Planning Manager Steven Ratkay also addressed Commissioner Bui's comment regarding if other housing projects similar to the proposed project are also built along busy streets; he showed a picture of a similar project in the City of Stanton which was also built on Beach Boulevard and built a few feet from the sidewalk. He stated the units depicted, which were also built very close to the street, were market rate condominiums for sale.

Housing Coordinator Tami Piscotty addressed Commissioner Bui's comment that it would be better have business at the proposed location. She stated that when she started with the City 12 years ago, she was in charge of economic development for the City and she tried to develop the parcel with a drive through service but found that there was no viable business that could go on the parcel because of the parking challenges. She further mentioned that Mr. Anderson, who was in charge of Community Development and in charge of economic development 30 years ago, found the same challenges with the parcel.

Don Anderson, stated in the response to the concern about the project being on Beach Boulevard, he provided an example of a projects located in Huntington Beach on the southeast corner of Ellis and Beach and another on the west side of Beach north of Adams; both projects are right on Beach Boulevard, so it is not unusual for residential properties including market rate residential property to be this close to Beach Boulevard. He also commented regarding concerns about the height of the building,

stating he lives in a two story neighborhood and although he and his neighbor can see into each other's backyard, life goes on.

THERE BEING NO FURTHER SPEAKERS, VICE CHAIR RICE CLOSED THE PUBLIC HEARING

**Motion:** It was moved by Commissioner A. Nguyen, and seconded by Commissioner Bui, to adopt a resolution to recommend approval of 1) A Mitigated Negative Declaration associated with Case No. 2016-57 (Della Rosa Supportive Housing Project); 2) A Conditional Use Permit, Development Review, Variance, and Affordable Housing Density Bonus for Case No. 2016-57, to the Mayor and City Council. The motion carried (3-0-1) with the following vote:

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

**9. REGULAR BUSINESS - None**

**10. REPORTS – None**

**11. MATTERS FROM THE PLANNING COMMISSION**

A follow up from a request by Vice Chair Rice to provide an update on the following projects:

- Veterinary Hospital on Westminster Boulevard - Acting Planning Manager Steven Ratkay stated, this project is in the Building Division plan check process.
- Apartments to be built on Edwards Street - Acting Planning Manager Steven Ratkay stated, this project is in the Building Division plan check process.
- Aldi Grocery Store - Acting Planning Manager Steven Ratkay stated, this project is in the Building Division plan check process.
- Apartments behind McDonalds - Acting Planning Manager stated, this project has been submitted to plan check a few weeks ago, but there are still some items necessary to start the Building Division plan check process.
- Nursing facility on Vallecito – Acting Planning Manager Steven Ratkay stated Case No. 2016-48 (proposed Variance and a reasonable accommodation request), will be back before the Commission at the next meeting on May 3, 2017.



- Hotel being built on Bolsa and Brookhurst – Acting Planning Manager Steven Ratkay stated this project is in the very preliminary stages and most likely will be several months before it becomes a public hearing item for the Commission.

Vice Chair Rice inquired about the possibility of requesting a special meeting for the Viet My Magazine, stating that she would like to request for an earlier date to hold the public hearing. Assistant City Attorney Keith Collins stated that it is not advisable to have a special meeting on a date earlier than May 3<sup>rd</sup> due to the continuation of a specified date and possible issues it may cause with notification to interested parties.

Vice Chair Rice stated that she will be out of town for both meetings in the month of May.

**11.1 AB 1234 REPORTS – None**

**11.2 MATTERS FROM STAFF – None**

**12. ADJOURNMENT – The meeting was adjourned at 8:33 p.m. to a regular meeting on Wednesday, May 3, 2017 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