



PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
February 21, 2018
6:30 p.m.

1. PLANNING COMMISSION ROLL CALL:

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

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

ABSENT: NONE

STAFF PRESENT:

Steven Ratkay, Planning Manager; Sandie Kim, Associate Planner; Adolfo Ozaeta, Traffic Engineer; Margie Rice, Council Member; Shelley Dolney, Administrative Assistant; Carrie Raven, Deputy City Attorney; Debbie Drasler, Contract Senior Planner.

2. SALUTE TO FLAG:

Vice Chair Rice led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there was one late communication in relation to item 8.1, which include exhibits to one of the resolutions in the agenda packet. Administrative Assistant Shelley Dolney also stated that there was a typo in the adjournment date on the agenda package that the Commissioners received, she added that all public copies had the corrected information.

4. EX PARTE COMMUNICATIONS - None

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

There were no members of the public wishing to speak during oral communications.

7. APPROVAL OF MINUTES – December 6, 2017

Motion: It was moved by Vice Chair Rice and seconded by Commissioner A. Nguyen, to approve the Planning Commission meeting minutes of December 6,

2017, as presented. The motion carried (5-0) with the following vote:

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

8. PUBLIC HEARINGS

8.1 Case No. 2017-06 – Bolsa Row Specific Plan and Project Development

Location: Southeast corner of Bolsa Avenue and Brookhurst Street (Assessor's Parcel Numbers 108-010-06 through 108-010-14, 108-010-28 through 108-010-31, 108-010-33, 108-010-35, 108-010-36, and 108-010-40)

Applicant: IP Westminster, LLC

Project Planner: Debbie Drasler, Contract Senior Planner

The proposed project includes a Specific Plan (SP) including a Zone Map Amendment (ZMA), Development Review (DR), Conditional Use Permits (CUP), Tentative Parcel Map (TPM), and an Environmental Impact Report (EIR) to consider:

- 1) A Specific Plan to establish permitted uses and provide design standards, detailed development standards, infrastructure requirements, and implementation requirements specific to the site for a mixed-use community of commercial and residential units centered around a "festival street". The proposed Specific Plan includes a zone change from C2 "General Business" to SP" Specific Plan" on the Westminster Zoning Map;
- 2) Development Review to consider the proposed project for consistency with the permitted uses, development/design standards, and requirements per the proposed Bolsa Row Specific Plan for the development of a mix-use project, which includes a 144-room hotel, a 48,000-square-foot banquet facility, 37,550 square feet of retail use, and 201 dwelling units;
- 3) Conditional Use Permits for the following proposed uses:
 - Hotel, operating 24 hours daily, providing event and function space, with live entertainment and incidental on-site consumption of beer, wine and distilled spirits, a 24-hour café/restaurant within the hotel offering the incidental on-site consumption of beer, wine and distilled spirits and a bar/lounge within the hotel, operating from 11:00 a.m. to 2:00 a.m. daily, offering

live entertainment and the on-site consumption of beer, wine and distilled spirits;

- Banquet facility, operating from 8:00 a.m. to 12:00 a.m. Sunday through Thursday and 8:00 a.m. to 2:00 a.m. Friday and Saturday, offering live entertainment and the on-site consumption of beer, wine and distilled spirits;
- Outdoor entertainment venue intended for temporary events up to six times per calendar year on a Festival Street, operating up to 12:00 a.m. per event, offering live entertainment and the on-site consumption of beer, wine and distilled spirits; and
- Two 348-square-foot electronic message center (EMC) signs for on-site advertisement, operating between the hours of 6:00 a.m. to 2:00 a.m. daily; and

- 4) A Tentative Parcel Map (TPM) 2016-202 to consolidate 17 existing parcels to create two new proposed parcels.

CEQA COMPLIANCE: The Draft Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act (CEQA). An unavoidable significant adverse impact has been identified in the environmental topic area of Traffic and Circulation.

RECOMMENDATION: That the Planning Commission:

- 1) Adopt a resolution recommending that the Mayor and City Council certify Environmental Impact Report (SCH 2017091029) associated with Case No. 2017-06 (Bolsa Row Specific Plan); and
- 2) Adopt a resolution recommending that the Mayor and City Council adopt the Bolsa Row Specific Plan (mixed-use residential and commercial development) and adopt an ordinance amending the City's zoning map from C2 (General Business) to SP (Specific Plan) associated with Case No. 2017-06; and
- 3) Adopt a resolution recommending that the Mayor and City Council approve a Development Review, Conditional Use Permits, and a Tentative Parcel Map associated with Case No. 2017-06 (Bolsa Row Project)

Planning Manager Steven Ratkay introduced Contract Senior Planner Debbie Drasler who managed the project and will be assisting him with the presentation. He also stated that Eddie Torres from Michael Baker who prepared the environmental analysis and Adolfo Ozaeta, the City Traffic Engineer were present. Planning Manager Ratkay then provided a presentation to the Commission.

Chair Manzo inquired if the Police Department had any objections to the hours of operation or the service of alcoholic beverages for the proposed project. Planning Manager Steven Ratkay explained that staff verified that there is no objection to the hours of operation and that all conditions recommended by the Police Department have been included in the draft resolution.

Chair Manzo inquired if there would be additional traffic along Bolsa Avenue when Festival Street is closed. City Traffic Engineer Adolfo Ozaeta provided a brief history of the considerations regarding traffic analysis for this project, stating that the City had oversight of the recommendations made by the outside consultant. He added the analysis stressed peak conditions of the roadway for this project, everyday condition were not addressed.

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

Steve Jones, representing the applicant, provided some history on the project, described the project location and prominence as a gateway to Little Saigon, spoke about the challenges with mixed use design, and the concept of the future for Little Saigon becoming a hub for cultural tourism. Mr. Jones added that the design concept for Bolsa Row is a French Colonial architecture; as an example of pre-Vietnam War, French influenced, golden heyday era in Vietnam, providing a place to reminisce and providing an experience for children and grandchildren so they can see an example of what Saigon was before the war.

Ken Ryan, KTG Architects representing the applicant, stated that great places are part function, but they are also about aesthetics and about tapping into human emotions. He stated their inspiration was to develop a place that pays tribute to pre-1970's Vietnam, depicting a gracious lifestyle geared to all social and cultural aspects that is multi-generational where residents and visitors would want to spend time. He provided a PowerPoint presentation to the Commission depicting images of various site layouts and elevations.

Jimmy Tran, business owner near Brookhurst Street and Bolsa Avenue, stated he was in favor of the project, he added as a Vietnamese immigrant he was very proud of the project that Mr. and Mrs. Pham are proposing.

Chris Tran, local business owner, stated this Westminster has been fantastic to the Vietnamese American Community and he is totally in favor of the project, adding it is like a dream. He offered that the project is very symbolic of what America is all about, hopes, dreams, opportunity, and reality.

Cong H. Nguyen, President of Little Saigon Radio, read the following from a prepared letter "Little Saigon Radio has served as a media cornerstone of the Vietnamese-American community for over 24 years, covering issues and events of interest to a demographic often overlooked by local and national media outlets. As both a journalist and community member of influence, I have witnessed firsthand the explosive commercial, cultural and geographic growth of Little Saigon over the last forty years. There are a number of reasons why I believe this development is a necessity for the City of Westminster. First, the proposed development will provide valuable jobs and tax income to a municipality that sorely needs it. Second, Westminster lacks a hotel in the heart of Little Saigon, one of Orange County's largest tourism draws. Third, a project of this scale (funded and spearheaded entirely by Vietnamese-Americans) will serve as a manifestation of our community's gratitude to the City of Westminster." He concluded that the project carried his personal support and he opined it should carry the City of Westminster's support as well. He submitted the letter as a late communication item for the record.

Brandon Vulgamont, resident of Huntington Beach, read into the record a letter from Tien Nguyen who resides across the street from the proposed project. Mr. Nguyen's letter stated: "My name is Tien Nguyen and I've been a local resident of the City of Westminster for the last 35 years. My home is located directly across the street from the proposed development in the neighborhood on the northeast corner of Bolsa and Brookhurst. I'm personally very excited about this new development and wanted to write this letter to express my full support. I've been living across the street from the empty plot of land currently located at the site, and I have been waiting anxiously for something to be developed there. The new proposal of the retail shops and restaurants is better than I could have imagined. In addition to bettering my personal experience of being walking distance to new restaurants and the lively festival street, I think the development project will also increase my home's property value. As a local neighbor, I sincerely hope the Planning Commission approves this project so that this empty plot of land is transformed into this great project. Sincerely, Tien Nguyen." The letter was submitted as a late communication item for the record.

Tuan Nguyen, Westminster resident, stated he has watched Bolsa Avenue develop over the years and was in favor of the proposed project.

CHAIR MANZO ASKED THOSE IN OPPOSITION TO SPEAK.

Rick Waldow, Westminster resident living across the street on the northeast corner of Brookhurst Street and Bolsa Avenue. There was some discussion about time allotted, Mr. Waldo stated the newspaper noted that he would have five minutes to speak, however he was allotted three minutes as outlined in the Planning Commission agenda. He read a prepared statement from a letter that was submitted

as a late communication item, however he only summarized some of the issues from the letter. He had the following concerns regarding the project: Duration or number of days events are celebrated, the number of events that could be conducted without prior approval, the use of fireworks, the enforcement of City of Westminster fireworks regulations, enforcement of the City of Westminster Noise Ordinance, the hazards of the Bolsa Avenue and Brookhurst Street intersections stating specifically that large vehicles cause violent shaking and vibration to the surrounding homes and it was a very dangerous intersection, and he provided suggestions on how to make the streets safer. He concluded that this is a marvelous cultural thing for the Vietnamese community but felt that highlighting the era prior to the Vietnam War was not paying tribute to the soldiers that sacrificed themselves to help people obtain a better life.

Planning Manager Ratkay responded to Mr. Waldo's concern about length or duration of events, stating each temporary use is approved with a temporary use permit (TUP) and duration and time of operation varies with each permit. He added that all temporary uses do have to comply with the City's Noise Ordinance and if complaints are received, either the City's Police Department or Code Enforcement Department would enforce the City's Noise Ordinance.

Pam Waldow, Westminster resident living across the street on the northeast corner of Brookhurst Street and Bolsa Avenue, stated she had a concern about the location of large signs proposed which is in close proximity to her home. She was also concerned about her privacy as the hotel patrons may see into the back of her yard and her neighbor's yards as well. Additionally, she had concerns about the quality of hotel and retail vendors, she made a general comment that she hoped a lot of consideration is put into the tenants that will eventually occupy the spaces to make sure the project will thrive.

Dorothy Hamamora, Westminster resident living near the proposed project site, stated she was concerned about the traffic, noise, and potential increased crime element with the bars and alcohol being served near her home. She added that her main concern was parking. She believed there was not enough parking for the proposed site, stating nearby businesses already impact their parking and recommended permit parking for residents living on Fowler Circle and Ballou Circle.

Roland Hamamora, Westminster resident living near the proposed project site, stated he was strongly in favor of this project with a few considerations, the first being a concern for safety with the inclusion of a bar/lounge in the project. He stated that violent crime and property crime occurrences increase when a bar goes into an area, he suggested the Commission may look up the crime statistics on either the Department of Justice website or the Federal Bureau of Investigations website if they were interested in viewing the associated data. His other concerns are exclusions to the live entertainment portion of the proposed project, stating that he felt that nudity within bars should be excluded. Additionally, he was also concerned about associated noise from the various entertainment venues.

Donna Horn, Westminster resident living in the senior mobile home park adjacent to the proposed project, stated she felt the development would create a hazardous traffic situation and additional traffic congestion. She added she has enjoyed a quiet and relaxing environment where she lives, but felt that the site would create additional noise and air pollution. She urged the Commission for denial of the project.

Kevin Thomor, Westminster resident living near the proposed development, stated he has concerns about traffic, synchronization of the traffic lights, and the building height proposed as 90-feet high which is taller than the surrounding buildings and may create a possible eyesore. The Commission offered that Mr. Thomor may wish to discuss the traffic matter with the City's Traffic Engineer, Adolfo Ozaeta.

CHAIR MANZO ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL.

Ken Ryan, KTG Architects representing the applicant, stated he will attempt to address the concerns that have been raised during the hearing. He explained they have followed all City Codes and concerns about noise and times of events are addressed in the conditions of approval. Regarding the question about who the tenants would be when selected, he stated although they don't know what tenants will be selected, he provided the vision for the project as an elevated plan for a mix of uses, intending to be multi-generational and multi-demographic so that you would want to spend time there. Regarding parking, he stated that they are adhering to all the City's parking standards and the mentioned there is a condition of approval regarding events which requires a parking management plan should the event exceed the amount of guests allowed. He added the Westminster Police Department looked at the project and provided additional conditions of approval. He also mentioned that the orientation of uses was considered during the project, so the more lively uses such as the festival area has been internalized as a buffer to surrounding neighbors.

Vice Chair Rice asked for the height of the two illuminated signs. Mr. Ryan stated the signs were at a height of 29 feet, adding there were some requirements detailed in the specific plan on page number 4-16 which address what can be done with lighting from dawn to dusk and adhering to today's standards for illumination after dusk. Chair Manzo inquired how many lumens were emitted by the signs, Mr. Ryan responded by reading the following condition, "the display surface shall not produce luminance in excess of 0.3 foot-candles above ambient light conditions, or the level recommended by the Illuminating Engineering Society of North America (IESNA) for the specific size and location of the site, whichever is less."

The Commission asked for the City's Traffic Engineer, Adolfo Ozaeta, to address some of the traffic concerns. Mr. Ozaeta stated one of the conditions for activating festival street and making it a festive pedestrian activity center was to install appropriate signage and traffic control equipment at the entrance to avoid a vehicle

traveling north on Brookhurst Street from turning right into a festive walking area. He explained how the traffic signal design and synchronization of the signals was proposed. He added that all the signals will be tied through fiber optic cables to the traffic management center at the City which allows adjustments to be made to the signals as needed.

CHAIR MANZO CLOSED THE PUBLIC HEARING

Chair Manzo commented that he felt that the time of the electric message center ending at 2:00 AM was too long and he proposed an end time of 12:00 AM.

It was moved by Commissioner A. Nguyen, and seconded by Vice Chair Rice to adopt a resolution to recommend that the Mayor and City Council certify the Environmental Impact Report associated with Case No. 2017-06. The motion carried (5-0) with the following vote:

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

It was moved by Commissioner A. Nguyen, and seconded by Vice Chair Rice to adopt a resolution to recommend that the Mayor and City Council adopt the Bolsa Row Specific Plan and adopt an ordinance amending the City's zoning map from C2 (General Business) to SP (Specific Plan) associated with Case No. 2017-06. The motion carried (5-0) with the following vote:

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

It was moved by Chair Manzo, and seconded by Vice Chair Rice to adopt a resolution to recommend that the Mayor and City Council approve a Development Review, Conditional Use Permits, and a Tentative Parcel Map associated with Case No. 2017-06, amending the hours of operation for the two electronic message center signs being reduced from 6:00 AM to 2:00 AM, daily, to 6:00 AM to 12:00 AM daily, and approving the edits to the resolution as suggested by staff. The motion carried (4-1) with the following vote:

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

Discussion ensued about the last motion. Commissioner Q. Nguyen felt that she

agreed with the hours of operation for the signage as proposed and she desired to vote again to change her vote. Deputy City Attorney Raven directed the Commission for the original mover (Chair Manzo) to make a motion to allow the last motion to be re-motined.

It was moved by Chair Manzo, and seconded by Vice Chair Rice to re-motion (rescind) the last motion and allow a new motion to be presented. The motion carried (4-1) with the following vote:

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

It was moved Commissioner A. Nguyen, and seconded by Commissioner Q. Nguyen to adopt a resolution to recommend that the Mayor and City Council approve a Development Review, Conditional Use Permits, and a Tentative Parcel Map associated with Case No. 2017-06, as presented and approve the edits to the resolution as suggested by staff. The motion failed (2-3) with the following vote:

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

It was moved by Chair Manzo, and seconded by Vice Chair Rice to adopt a resolution to recommend that the Mayor and City Council approve a Development Review, Conditional Use Permits, and a Tentative Parcel Map associated with Case No. 2017-06, amending the hours of operation for the two electronic message center signs being reduced from 6:00 AM to 2:00 AM, daily, to 6:00 AM to 12:00 AM daily, and approving the edits to the resolution as suggested by staff. The motion carried (3-2) with the following vote:

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

The suggested edits approved in the motion included:

Condition number 38: *Primary entrance ingress to the hotel café/restaurant and hotel bar/lounge shall be from the interior of the hotel (except for emergency purposes only).*

Condition number 114: *Queuing on city streets is a common phenomenon and may be expected depending on the attraction of the event. Unobstructed access to the site is essential to relieving the queues that may arise. Under no circumstances*

shall the applicant obstruct and/or close public roadway travel lanes or public pedestrian walkways.

Condition number 18b and 113: *Delete these conditions regarding bollards.*

Condition number 25k: *Leave this condition regarding removable concrete or metal posts preventing vehicles at entrance to Festival Street area when the street is closed for events.*

8.2 Case No. 2017-83 – Conditional Use Permit and Development Review

Location: 13950 Springdale Street (APN # 203-314-02)

Applicant: Carvana, LLC

Project Planner: Sandie Kim, Associate Planner

The proposed project includes a Conditional Use Permit (CUP) to establish used car dealership and a Development Review (DR) to construct a new 8,383 square-foot building with a glass vending machine/tower to display vehicles, operating from 7AM to 9PM daily.

CEQA COMPLIANCE: The proposed matter is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 32, Section 15332, which pertains to In-Fill Development Projects. The project site itself is less than 5 acres and has no value as a habitat for endangered, rare or threatened species as the site is already developed with two restaurant uses. Further, the project site is approximately 1.9 acres in size and is surrounded by the 405-Freeway, commercial uses, and residential (single and multi-family) developments. The proposed development will not significantly impact traffic, noise, air quality, or water quality and the project site is able to be serviced by all required utilities and public services. A conceptual Water Quality Management Plan has been reviewed and approved by the City's Public Works Department.

RECOMMENDATION: That the Planning Commission approve the Conditional Use Permit and Development Review, subject to conditions of approval.

Associate Planner Sandie Kim provided a presentation to the Commission.

Vice Chair Rice inquired about the point of sale for the online purchases and if the City of Westminster would be receiving a share of the sales tax. Planning Manager Ratkay responded if the car is picked up from the Westminster location, Westminster will be the point of sale. However, he added, that a car may be shipped to another location outside of Westminster and that other City would then be the point of sale.

Commissioner Bui inquired if a consideration was made for the drivers on the 405 freeway being distracted by the new building. Chair Manzo expanded upon Commissioner Bui's statement inquiring about lighting that may be displayed in the building. Planning Manager Ratkay stated the project is subject to the City's lighting requirements, specifically stating that the lighting may not spill beyond the property.

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

Bret Sassenberg, Senior Director of Real Estate representing the applicant, showed a presentation about the project and provided a description of Carvana's services. He stated that Carvana is an on-line retailer similar to Amazon. Customers shop on-line viewing approximately 7,000 to 10,000 cars that are owned by Carvana and stored at different facilities across the country. He added that when customers select a vehicle, they would either pick it up at a fulfillment center or have the vehicle delivered, stating that about 50 percent of their stock is delivered and about 50 percent of their stock is picked up at a fulfillment center. He felt the site would provide the City of Westminster a significant amount of sales tax revenue compared to what the site is currently generating.

Chair Manzo inquired about lighting of the facility. Mr. Sassenberg stated that the lighting projects inward at the sight and doesn't project past the glass. He added that they don't turn off the lighting at night. The photometric measurement shows the light emitting at .01 and then a few inches from the glass it goes to a .00 measurement. He further explained that the light is not blinding, not a distracting light, or a polluting light.

Commissioner Bui inquired how many sites Carvana currently has in operation, how many sites are located next to a freeway, and how long construction of a site takes. Mr. Sassenberg answered that there are eight sites active now with eight additional sites under construction, all of the sites with the exception of Charlotte North Carolina are located next to a freeway, and it takes about eight months for construction of a site.

Alex DeGood, Zoning Attorney representing the applicant, was called but did not speak.

Katy Daneker, Kimberly Horn and Associates, Civil Engineer representing the applicant, stated she and her colleague were here to answer any questions about the project and she wanted to expand on the information already provided by Mr. Sassenberg. She added that they have met with OCTA and Caltrans specifically in relation to this project and the property is not affected by any of the proposed construction to the nearby streets or freeway. She also added that no concerns have been raised regarding visibility or distractions during their previous meetings with OCTA and Caltrans.

Jordon Drake, Kimberly Horn and Associates, representing the applicant, was called but did not speak.

THERE BEING NO ADDITIONAL SPEAKERS, CHAIR MANZO CLOSED THE PUBLIC HEARING

Motion: It was moved by Vice Chair Rice, and seconded by Chair Manzo to approve the Conditional Use Permit and Development Review for Case No. 2017-83 located at 13950 Springdale Street, with the conditions of approval as recommended by staff. The motion carried (5-0) with the following vote:

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

9. REGULAR BUSINESS - None

10. REPORTS - None

11. MATTERS FROM THE PLANNING COMMISSION - None

11.1 AB 1234 REPORTS - None

11.2 MATTERS FROM STAFF

Planning Manager Ratkay provided a reminder about the upcoming special meeting scheduled on Monday, February 26, 2018. Referring to letters received written in Vietnamese and Spanish for the Green Lantern Mobile Home Park Conversion Impact Report; he informed the Commission of the cost to translate the letters into English is over \$3,000.00. He added that it would also take considerable time to translate the letters so they would not be available for the next Planning Commission meeting.

12. ADJOURNMENT – The meeting was adjourned at 8:36 p.m. to a special meeting on Monday, February 26, 2018 at 6:30 p.m. in the City Council Chambers.

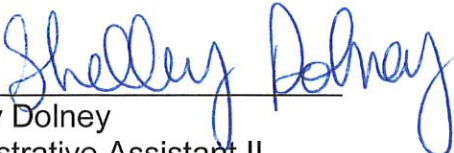


Steven Ratkay
Planning Commission Secretary



Carlos Manzo
Chairman

Prepared by:



Shelley Dolney
Administrative Assistant II