



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
March 21, 2018
Call to Order at 6:32 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; Christopher Wong, Senior Planner; Deborah Knefel, Deputy 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

Planning Manager Steven Ratkay reported there were two late communications in relation to item 8.1.

4. EX PARTE COMMUNICATIONS

Vice Chair Rice reported she visited the site for item 8.1 and looked at the property.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

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

7. APPROVAL OF MINUTES – None

8. PUBLIC HEARINGS

8.1 Case No. 2017-80 – Development Review & Affordable Housing Density Bonus
Location: 13800, 13802, and 13812 Milton Avenue (Assessor's Parcel Numbers 203-311-13, 203-311-24, and 203-311-16)
Applicant: Chris Albers
Project Planner: Sandie Kim, Associate Planner

PROJECT DESCRIPTION: The proposed project involves the consolidation of three (3) lots to accommodate the development of 25 multi-family rental units, which includes a density bonus pursuant to California Government Code Sections 65915 through 65918.

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 found to be exempt per Class 32 (Section 15332 In-Fill Development Projects Section of the CEQA Guidelines), provided that the exceptions under Section 15300.2 do not apply. The project site itself is less than 5 acres and has no value as a habitat for endangered, rare or threatened species. Further, the development of new 25 residential units will not result in any significant effects relating to traffic, noise, air quality, or water quality as stated in the Class 32 Determination.

RECOMMENDATION: that the Planning Commission adopt a resolution entitled, "a resolution of the Planning Commission of the City of Westminster recommending the Mayor and City Council approve Case No. 2017-80 pertaining to a Development Review and Affordable Housing Density Bonus for the development of 25 multi-family residential units located at 13800, 13802 & 13812 Milton Ave. (Assessor's Parcel Numbers 203-311-13, 24, & 16)"

Associate Planner Sandie Kim provided a presentation to the Commission.

Chair Manzo stated he didn't see any visitor parking on the plans and inquired if any visitor parking was intended. Associate Planner Kim answered that the State law states that the maximum required parking for 2-3 bedrooms is two parking spaces which have been provided, we are unable to require additional parking by law. Chair Manzo asked how the City monitors the affordable units to ensure that they are being rented appropriately. Associate Planner Kim stated that all affordable housing is monitored by the City of Westminster's Housing Division.

Commissioner A. Nguyen asked for the definition of low income versus very low income. Planning Manager Ratkay answered that the income categories are defined by the State, adding that low income is defined people making 50-80 percent of the median income for the area and very low income is defined as people making less than 50 percent of the area median income.

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

Chris Albers, project applicant, asked the Commission to support the Planning staff's recommendation to approve the project. He then described the history of project, the goals of the City's Housing Element and strategic growth plan, which he stated the project fits nicely within the goals determined by the City. He stated he conducted outreach in the neighborhood and addressed items of concern, with the main concerns being privacy, traffic, and parking. He stated that the project will include a six foot block wall, purple hopseed bushes planted along the rear wall of the property which will grow to about 15 feet, a design consideration where only seven of the 14 units along the back of the property will face the rear, the entire perimeter of the property is two stories the three story units are on the street facing side of the property in the center of the project, the zoning of the property allows for 35 feet in height and the project does not exceed that height, he worked extensively with the City Traffic Engineer to ensure that the potential traffic impact was analyzed, parking has also been considered and is consistent with other projects that the City Council and Planning Commission has approved in the past. He spoke about the proposed tandem parking and various concessions he has requested for the project as allowed by the Government Code.

Commissioner Q. Nguyen asked if the Mr. Albers could limit the number of people residing in the units. Deputy City Attorney Knefel stated that she didn't believe a limitation can be placed on the number of people residing within the units. Mr. Albers responded that it is a "slippery slope" to limit the number of residents within a unit.

Vice Rice inquired how the determination is made to select the tenants of the affordable units. Planning Manager Ratkay explained that the State Department of Housing and Community Development handles the low income housing determinations. Vice Chair Rice inquired if there were any additional parking spaces in addition to the tandem parking for the units, commenting that she didn't feel the proposal would be approved by the City Council without additional parking spaces. Mr. Albers confirmed again that there were no additional parking spaces proposed, adding this plan is similar to another case that was previously approved.

Commissioner Bui inquired if the drive approach to the garages provides enough turning radius for vehicles. Mr. Albers stated that the City only requires 25 feet for the turning radius and his project allows 28 feet, which exceeds the City requirement. Commissioner Bui then inquired if there would be any guest parking available. Mr. Albers restated that there will be no additional parking spaces. He further explained that on the 50 spaces he is required to have, he opted for enhanced safety and security by providing all garage spaces for the tenants. Commissioner Bui commented that he sees a problem in the future without guest parking spaces available.

Henry May, Westminster resident living in an adjacent property, inquired about the plan displayed on the monitors and asked if the grey area depicted on the plan along

the backside of the property was a walkway. Associate Planner Kim confirmed there was landscaping and a pedestrian walkway leading into the units close to the rear property line. Mr. May stated he has a bamboo fence along his property that may be affected by the construction of the block wall, he requested that when the construction of the wall was complete that his bamboo fence be put back up and that any footers for the block wall be placed on the Applicant's property by use of an L footer verses a T footer which would encroach on his property. He also stated that nearby properties flood when it rains and he requested that the property be graded in such a way to mitigate potential flooding. He had additional concerns about the proposed landscaping possibly blowing leaves in his pool or causing a problem with invasive roots that might grow into his pool system. He also felt that low income tenants might cause more theft in the area. He concluded that the weeds located on the property has created a fire hazard for years and he is glad that something is being done with the property.

Amy West, Westminster resident, stated she was close to the location being built and inquired how long it would take to build the project. She commented that she was in agreement with the Commissioners that spoke about asked about the parking issues, she felt that additional parking was necessary. She stated she appreciated that the tandem parking is located in a garage that leads right into the unit for safety of the tenants at the location.

James Hamilton, Westminster resident, stated he and his mother own two parcels of land near the proposed site and he was in favor of the project. He asked for the Commission to approve the project because it would be an improvement to the community.

CHAIR MANZO ASKED THOSE IN OPOSITION TO SPEAK.

Robert McDearmon, City of Westminster property owner, stated he was opposed to the development due to the lack of parking. He inquired if there would be fire sprinklers in the units or a fire department connection in the back, stating he was a former fireman and the layout would be challenging for the fire department. He felt the buildings were too big for the lot size, there was not enough available parking, and tandem parking was not feasible. He wanted an explanation of the environmental exemption and the Planning Commission to consider the number of people that will be allowed to reside in the low income housing. He added Section 8 housing will allow five adults to reside in a two bedroom apartment, which would leave three cars to park on the street.

Planning Manager Ratkay answered Mr. McDearmon's question regarding environmental review, he explained that the California Environmental Quality Act (CEQA) has a list of project types that are exempt from further environmental analysis, this particular project falls into one of those categories, class 32, which means based on the size and scope of the project it is exempt from additional environmental analysis for the City to consider.

Robert McDearmon Jr., Westminster resident living near the proposed project, stated he is the manager of a building his father owns and he has lived there for 20 years. He stated parking on the street has been a problem. He felt that people will not use their garages for parking and especially felt that the tandem garage space was not feasible, adding that most people use their garages to store things. He added that he had concerns about the height of the proposed building and the number of people residing in the units creating additional street parking issues and excess traffic. He concluded that he had concerns about density of the project and the bonus of additional units, adding he 18 units were more appropriate for the location.

Marilee Beamer, Westminster resident living near the proposed project, stated other complexes in the area also have garages where the residents are not using their garages for parking. She provided an example of one complex that has 60 units, she stated that represents a minimum of 120 cars on the street. She added that this development would then put a minimum of 50 additional cars on the street since people don't use their garages for anything but storage. She felt that additional parking and visitor parking for this development would be a more "friendly neighbor" alternative to what is proposed currently. She concluded that the impact of the new development was too severe for the neighborhood.

Jay Van Arsdall, Westminster resident living near the proposed project, stated he was opposed to the project and felt it was trying to cram too much into a small space. He spoke a lack of privacy he has already felt by other two story developments in the area, adding that this project is three stories. He stated parking is a problem and didn't feel there was an adequate amount proposed in the project. He added that he has recently started seeing graffiti on one of his fences, adding there were homeless people residing in one of the flood control channels and he just didn't want to see Milton decline. He urged the Commission not to allow the extra units.

Ronald Chambers, Westminster resident living adjacent to the proposed project, stated the parking is a problem along the street and he believed this development would put a greater strain on parking. He inquired if pets would be allowed in the proposed project. He felt that the two story units adjacent to his property would invade his privacy, adding that there would be 100-200 people including low income units looking down into his yard so security is also a concern. He felt the block wall and the proposed bushes would not provide ample privacy as it would take time for the bushes to grow to a height that would be tall enough to provide a privacy screen. He concluded stating he would like a taller wall built and asked the Commission to consider if they were in his place how they would feel if this development was proposed next to your home.

Sarah Fletcher, Westminster resident living near the proposed project, stated she also felt parking would be an issue and they have had to hire a patrol company to

make sure people from other complexes are not parking in their complex. She felt that there will be additional impacts with the low-income housing units, referenced recent graffiti, the homeless living in the drainage ditch, and stated she didn't want any more "riffraff" in the neighborhood. She concluded that an earlier speaker stated he didn't want property graded in such a way that the excess water would flood his property, she also does not want excess water at the corner of Milton and Hefley since it already floods there and the water does not recede for days.

Shane Heuer, Westminster resident living adjacent to the proposed project, stated he agreed with all the previous speakers in opposition, adding his property is unique where the grade of the proposed project is 1-2 feet higher than his property. He stated he is not sure what to expect when the fence is put in, he envisions some sort of ugly situation with staggered dual block wall, but he added that the proposed development only goes half way along his fence line which he believed would be awful looking. He stated that the streets are already crowded, a higher fence might give a better sense of security, limiting the number of tenants is preferable, construction hours are a concern as he has a new baby on the way, and offered that many cars in a development may cause a safety issue if an evacuation was necessary.

CHAIR MANZO ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL.

Chris Albers, project applicant, stated he would try to answer as many questions as he can. He reiterated that he had reached out to the neighborhood previously, but learned about some additional concerns at the meeting tonight. He summarized the following concerns:

- Construction impacts, we are concerned about how our construction may impact our neighbors. He stated the construction hours are dictated by the City and he believed the hours were 7:30 AM to 5:00 PM. Associate Planner Kim confirmed construction hours are actually 7:00 AM to 7:00 PM.
- Mr. May's bamboo fence, I had a discussion with Mr. May about his fence and he thought it may actually be sitting on my property. We may have to work through some items.
- The footing of the fence is typically on the developer side and that is our intention.
- All of the property has been engineered with a civil engineer looking at grades and property lines, and we have a water quality management plan in place to manage any water runoff.
- Roots in the pool, I don't know what the root structure is for the purple hopseed bush, but the landscape criteria is pretty strict when it goes through the landscape architecture plan check. He didn't believe the roots would be an issue.
- Construction timeline is estimated at 18 months.

- Fire sprinklers, yes, we have them installed. However, a fire department connection is not required. It is a residential 13D system, the design is spaced so much apart and the sprinklers are activated at a certain temperature.
- Tandem parking, I set a pretty "high bar", if I develop 50 enclosed parking spaces and I manage the parking. He added it sounds like the neighbors do not manage their own overflow and that should not directly reflect on my property or plan. He stated he will manage his parking and he has managed parking successfully in the past. He added has already approved tandem parking and the required turning radius has been exceeded.
- Limiting the residents, I am not an expert on the law and not sure how many people you can or cannot have in a unit.
- Pets allowed, we generally don't have pets. I have had a no pet policy for as long as I have been in business, but there are some situations where we have to comply with various laws and allow disability animals.
- He referred to a previous statement about privacy and the possibility of 100-200 people looking at a neighbor, he said that just won't happen based on the design of the project as previously discussed.
- He spoke about the grade and the block wall will be measured from the side of the developer, so the visible wall may be more like eight feet for the people with a lower grade.

Mr. Albers answered a question posed from the audience, restating that the question was about on-site property management, he stated that they intend to have an on-site manager as the law requires a manager on-site for more than 16 units.

He concluded that the on-site parking needs to be managed and he has a parking/garage use agreement that he will use for his tenants, he provided a copy of the lease agreement to the clerk for a matter of record.

CHAIR MANZO CLOSED THE PUBLIC HEARING.

Commissioner Q. Nguyen inquired again if the number of residents living within a unit can be limited since there were only two garage spaces. Planning Manager Ratkay stated that there is nothing in the State law that limits the size of a family, so no City can really regulate how many people live at a location.

Commissioner Bui inquired about fire truck access to the site, adding he felt that only one driveway may create an issue for the fire department and tenants. Planning Manager Ratkay confirmed that the project has been reviewed by the Orange County Fire Authority and complies with all the Fire Department requirements.

Chair Manzo stated that he had concerns about density and would hate for our City to become as dense as some of our neighboring cities, using Long Beach as an example. He also stated he works in construction and can see that tandem garages are being used more frequently, but felt most people will only get one car inside the garage and use the other part of the garage for storage. He commented that he felt

this would create a negative impact to the neighborhood. He added he was in favor of something being developed here but felt it was too dense for the area and too much of an impact to surrounding neighbors.

Vice Chair Rice agreed with Chair Manzo and felt that parking was a big problem. She stated it was great that the developer wants to build in the City of Westminster but felt the area was much too small for the number of units proposed. She opined that less units with guest parking and additional parking for residents should be proposed. She stated her experience along Milton Street is that there is already too many cars and it is frequently problematic even to drive along the street due to the density. Vice Chair Rice stated she was ready to make a motion and intended to recommend denial.

Planning Manager Ratkay explained with a denial of a density bonus request, the burden of proof is on the City, he added that State law states the City can only deny a density bonus on one of the following findings: 1) The project is already affordable, 2) There is a specific adverse impact on health, safety, or physical environment, or, 3) The project is contrary to state or federal law.

Discussion ensued about how to provide proof or finding for the intended recommendation of denial to the City Council.

Commissioner A. Nguyen commented that there is already an impact on the surrounding neighborhood and regardless if the applicant changes his proposal or not, there will still be an impact to the neighborhood. He added that the applicant complies with all the requirements and has a plan to manage parking.

Motion: It was moved by Vice Chair Rice, and seconded by Chair Manzo to adopt a resolution entitled, "a resolution of the Planning Commission of the City of Westminster recommending the Mayor and City Council deny Case No. 2017-80 pertaining to a Development Review and Affordable Housing Density Bonus for the development of 25 multi-family residential units located at 13800, 13802 & 13812 Milton Ave. (Assessor's Parcel Numbers 203-311-13, 24, & 16)" with the finding that there will be an adverse impact to the neighborhood. The motion carried (4-1) with the following vote:

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

9. REGULAR BUSINESS - None

10. REPORTS - None

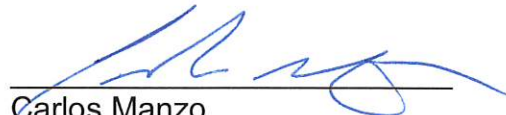
11. MATTERS FROM THE PLANNING COMMISSION - None

11.1 AB 1234 REPORTS - None

11.2 MATTERS FROM STAFF

Planning Manager Ratkay thanked the Commission for taking on sometimes difficult decisions and stated we appreciate the effort. He introduced a new addition to the City of Westminster Planning Division, Chris Wong, who is returning back to the City as a Senior Planner.

- 12. ADJOURNMENT – The meeting was adjourned at 8:28 p.m. to a regular meeting on Wednesday, April 4, 2018 at 6:30 p.m. in the City Council Chambers.**

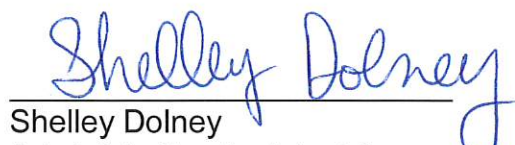


Carlos Manzo
Chairman



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant II