



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
June 6, 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; Christopher Wong, Senior Planner; Adolfo Ozaeta, City Traffic Engineer; Barron Bettenhausen, Deputy City Attorney; Memnon "Meme" Torio, Planning Technician; Michael Son, Administrative Assistant.

2. SALUTE TO FLAG:

Deputy City Attorney Bettenhausen led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there were no late communications.

4. EX PARTE COMMUNICATIONS - None

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

Linda Middendorf, Westminster resident, stated she had sent emails to the Planning Commissioners on May 15, 2018 and again on May 29, 2018 and she only received a response to those emails from two Commissioners. She requested an email response from all Planning Commissioners as she will be reporting back to a community group.

7. APPROVAL OF MINUTES – None

8. PUBLIC HEARINGS

8.1 Case No. 2017-06 – Development Agreement

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: Steven Ratkay, Planning Manager AICP

PROJECT DESCRIPTION: A Development Agreement to consider for the development of a mixed-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.

CEQA COMPLIANCE: Pursuant to the California Environmental Quality Act (CEQA) and the City's Guidelines for the Implementation of CEQA, a Draft Environmental Impact Report (DEIR) has been prepared and is available for review and comment.

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 adopt an ordinance approving a Development Agreement for the development of a mixed-use commercial and residential development associated with Case No. 2017-06 located on the 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)."

Planning Manager Steven Ratkay provided a presentation to the Commission.

Chair Manzo inquired if the City Manager had looked at the costs incurred by the Development Agreement, adding that improvement costs are typically paid by the applicant. Planning Manager Ratkay stated the cost for the improvements described in the Development Agreement is outweighed by the economic benefit of the project to the community in terms of jobs, tax revenue, and other resources that would be provided to the City. He offered that the City Traffic Engineer may have more specifics related to traffic improvement costs.

City Traffic Engineer Adolfo Ozaeta stated that the City is still working out the total costs for the median and traffic signal improvements. For a point of reference, he added, that the typical cost for a traffic signal is about \$200,000. He offered there would be no direct cost to the City for undergrounding of the utilities, since Southern California Edison provides funding to Cities for the purpose of undergrounding utilities.

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

Ken Ryan, consultant with KTG Y representing the applicant, stated his company was the designers on the project and he was present to answer any questions regarding the project.

Steve Jones, consultant with Olympia Capital representing the applicant, stated project design has been honored by the American Planning Association (APA) with an award for urban design. He provided a brief design overview and explained that the design of the proposed project is a mixed use design that is done right. He stated that the main reason for doing a Development Agreement is that it will allow us to vest our right in the entitlements for a period of time to be able to pull off the construction, financing, and allowing a little more flexibility with the overall timeline.

Chair Manzo commented that he has personal knowledge of other projects produced by the design team and they are very beautiful projects. He complimented the applicants on their selection of the design team.

Commissioner Bui inquired how long it would take to build the project. Mr. Jones answered that it would be approximately a year to produce construction drawings and begin construction and then 18 to 24 months to finalize construction. Commissioner Bui stated he was concerned that there may be delays in the project timeline or the potential of an unfinished project. Mr. Jones stated that they already have construction cost estimates and the financial team is very competent so they don't anticipate any issues or project delays.

Pam Waldo, Westminster resident, stated she noticed the agreement was a 10 year term and she was concerned the project may take some time especially if it is built in phases. She also stated that the staff report noted there were no comments received on behalf of the public notice and she wanted to make sure that the previous meeting comments were part of the record. She inquired what adverse impacts were identified for the project and how the mitigation monitoring program helps with the impact. She concluded that she believed there would not be construction delays, but wondered what kind of guarantees there were that home values would not be affected by the construction process.

Ronald Hamamura, Westminster resident, stated he felt there was inadequate parking for the Bolsa Row development and Festival Street. He provided some examples of anticipated attendance at various events to explain further why he felt there was not enough parking. Additionally, he requested permit parking for residents living on Fowler Circle and Ballou Circle since the neighborhood is already impacted by surrounding businesses and the addition of Bolsa Row would make matters worse.

CHAIR MANZO ASKED THOSE IN OPOSITION TO SPEAK.

Anthony Candell, Westminster resident, stated the development agreement would not be needed if there was no building on that corner in the first place. He stated the location for the development was inappropriate due to numerous traffic concerns at the intersection of Bolsa Avenue and Brookhurst Street. Additionally, he cited several statistics obtained from the California Office of Traffic and Safety website. He concluded that the location of the development was not appropriate and urged the

Commissioners to consider his comments when they make their decision.

CHAIR MANZO ASKED THOSE WHO SPOKE IN FAVOR TO SPEAK IN REBUTTAL.

Ken Ryan, consultant with KTG Y representing the applicant, stated the item before the Commission tonight was the development agreement, but he would answer some of the questions raised. For the record, he confirmed, the project has 654 parking spaces and 318 of those spaces are to be used for employees, retail patrons, and hotel guests. He stated that the project had already gone through the hearing and both the project traffic consultant and the City's traffic consultant worked really hard to make sure the traffic and access functions really well. The purpose for the Development Agreement is to assure that the approved entitlements stay in place for 10 years. It does not mean it will take 10 years to build it, it just assures that what was approved will be built.

CHAIR MANZO CLOSED THE PUBLIC HEARING.

Discussion ensued about re-opening the public hearing for additional testimony from Mr. Jones in relation to the timeline for construction of the project.

Deputy City Attorney Bettenhausen stated that if additional testimony is desired, the public hearing will need to be re-opened. However, he stated, as a point of order for the public, a lot of testimony had been received regarding the details of the project, but the item before the Commission is in relation to the Development Agreement only. Further discussion and actions about the project will be decided at the City Council meeting on June 27, 2018 and that would be the appropriate time for additional public comments regarding the project.

Chair Manzo stated he felt the design team did a great job. He added that a study had been done regarding the parking and he hoped the study was adequate because he was sure the applicants didn't want to see the project fail.

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to recommend approval to the Mayor and City Council of a Development Agreement for Case No. 2017-06, for the Bolsa Row Development located on the southeast corner of Bolsa Avenue and Brokhurst Street. The motion carried (5-0) with the following vote:

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

8.2 CASE No. 2018-63 – Zoning Text Amendment

Location: Citywide within residential zones proposed to be developed with an accessory dwelling unit.

Applicant: City of Westminster

Project Planner: Christopher Wong, Senior Planner

PROJECT DESCRIPTION: A Zoning Text Amendment (ZTA) to the Westminster Municipal Code amending sections 17.210.010, 17.320.020, 17.400.120, 17.400.135, 17.520.010, and 17.700.010 to regulate accessory dwelling units.

CEQA COMPLIANCE: Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), this Ordinance is exempt from the California Environmental Quality Act (CEQA) because it is an ordinance regarding ADUs, which implements the provisions of Government Code Section 65852.2.

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 Adopt a Zoning Text Amendment to Implement New State Law Requirements Relating to Accessory Dwelling Units (Case No. 2018-63).”

Senior Planner Christopher Wong provided a presentation to the Commission.

Chair Manzo inquired about the parking requirements for accessory dwelling units and the requirement to have the owner of the property live on the premise. He also commented that he sees the ordinance allows up to two bedrooms permitted for accessory dwellings and felt that only one bedroom should be allowed due to increasing the density in the area and increased parking demand.

Senior Planner Wong stated that state law allowed for an exemption to parking requirements for those accessory dwellings that are within a half mile walking distance of public transit. Further explaining that public transit is described as bus stop locations which operate every 15 minutes or less. For the accessory dwelling locations that are outside the exemption areas, one off-street parking space is required which can be on an existing driveway.

Planning Manager Ratkay stated that the State law does not require that the owner lives in either the primary unit or the accessory unit, but the does allow cities to require that the owner live in one of the units. He added that both the existing urgency ordinance and proposed ordinance before the Commission requires the owner to live in one of the two units.

In response to Chair Manzo’s comment about number of bedrooms allowed for accessory dwelling units, Vice Chair Rice stated that there are four homes on her street with accessory dwellings and parking along her street has not been impacted.

Commissioner Bui referred to page number 2541-7, paragraph 2, Item F, of the

urgency ordinance that stated an accessory dwelling unit shall have its own utility connections. He inquired if that meant it should have its own utility meter for the accessory dwelling unit. Senior Planner Wong stated that separate connections had been required in the urgency ordinance, however, that requirement has been removed in the proposed ordinance as per state law.

Chair Manzo inquired if the impact of allowing a second meter has been studied and if this can be changed at the City level. Deputy City Attorney Bettenhausen stated that the reason this language has been placed within the ordinance is that it is required per state law and this is not something that can be modified at the City level.

Chair Manzo asked if the state law prohibits limiting the number of bedrooms. Both Planning Manager Ratkay and Senior Planner Wong indicated that the number of allowed bedrooms have not been defined at the state level at present, so modifications to the number of allowed bedrooms is possible.

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

Ronald Hamamura, Westminster resident, stated he was unsure how the accessory dwelling unit was defined and would like further clarification. He asked if an extension of the existing dwelling could be defined as an accessory dwelling unit. He felt that the required parking spaces should be addressed.

THERE BEING NO FURTHER SPEAKERS, CHAIR MANZO CLOSED THE PUBLIC HEARING.

Senior Planner Wong responded to Mr. Hamamura's questions by stating that an accessory dwelling unit, with a separate kitchen and its own facilities, can be attached to the primary dwelling. He stated that the primary dwelling must comply with existing parking standards, adding that four bedrooms or less require a two-car garage, while a dwelling with five or more bedrooms must have a three-car garage and three open parking spaces. So the primary dwelling needs to comply with current parking standards along with the required one parking space for the accessory dwelling unless otherwise exempt as per state law.

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to recommend approval of the Zoning Text Amendment to the Mayor and City Council with an amendment to section 17.400.135 to reduce the allowed bedrooms from two to one. 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

Chair Manzo stated he would like to add an item to a future agenda. He would like staff to bring back the review of the City Design Guidelines, added that he felt the Guidelines should be a requirement instead of a recommendation as they are now.

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice, to agendaize review of the City Design Guidelines on a future unspecified meeting date. The motion carried 4-1 with the following vote:

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

11.1 Study Session – Design Review Resources and Strategies

Location: Citywide

Study session for the Planning Commission to discuss resources and strategies available to both staff and the Commission in evaluating a project's design.

RECOMMENDATION: That the Planning Commission review and discuss possible design review resources and strategies.

Planning Manager Steven Ratkay provided a presentation to the Commission

Commissioner Bui inquired if Commissioners had questions, would it be best to contact staff directly. He also inquired if the Design Guidelines applied to new buildings. Planning Manager Ratkay stated staff was available to the Commission to answer any questions. He added the Design Guidelines were suggestions about design that would apply to all new commercial, industrial, and multi-family buildings. He added it may also apply to renovations, rehabs, and expansion of existing buildings.

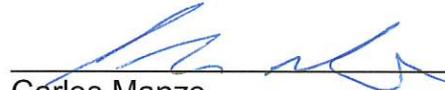
Chair Manzo commented that staff and the City Attorney are available to help the Commission if they have any questions or issues and urged the Commission to seek out answers to any questions they have about projects.

11.2 AB 1234 REPORTS - None

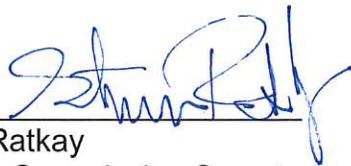
11.3 MATTERS FROM STAFF

Planning Manager Steven Ratkay stated that there was currently no items scheduled for the June 20, 2018 meeting so it may be cancelled.

- 12. ADJOURNMENT – The meeting was adjourned at 7:39 p.m. to a regular meeting on Wednesday, June 20, 2018 at 6:30 p.m. in the City Council Chambers.**

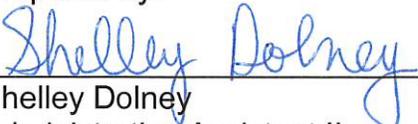


Carlos Manzo
Chairman



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant II