



**PLANNING COMMISSION
Minutes of the Regular Meeting
Teleconference/Web Conference Only
8200 Westminster Boulevard
Westminster, CA 92683
March 3, 2021
6:30 p.m.**

**SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND
ATTENDANCE AT PUBLIC MEETINGS**

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of the Executive order N-25-20 Issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some or all of the Westminster City Planning Commission Members will participate in meetings via teleconference.

Pursuant to the State of California Executive order N-29-20 related to coronavirus (COVID-19), the Planning Commission of the City of Westminster, California convened on March 3, 2021 at 6:32 p.m. at 8200 Westminster Boulevard, Westminster, California, and via teleconference. Members of the public wishing to address the Planning Commission were asked to submit an e-mail for written comments or a request to speak form to provide verbal comments before the start of the meeting. Additionally, any members of the public in attendance that wished to speak but had not previously provided a request to speak form were also provided an opportunity to address the Planning Commission.

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID

PRESENT: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID

ABSENT: NONE

STAFF PRESENT:

Steven Ratkay, Planning Manager; Alice Tieu, Associate Planner; Christopher Wong, Senior Planner; Scott E. Porter, Deputy City Attorney; Alexa Smittle, Community Development Director; Shelley Stevens, Senior Administrative Assistant.

2. SALUTE TO FLAG:

Senior Administrative Assistant Stevens 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

Commissioner Anderson reported that he spoke to City Attorney Bettenhausen regarding item 8.2. on the agenda concerning the accessory dwelling unit ordinance.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

Terry Rains, resident of Westminster, welcomed Commissioner Anderson to his new role on the City of Westminster Planning Commission.

7. APPROVAL OF MINUTES – February 10, 2021

Motion: It was moved by Chair Seid, and seconded by Commissioner Anderson, to approve the meeting minutes of the February 10, 2021, special joint meeting of the City Council and Planning Commission. The motion carried (5-0) with the following vote:

AYES: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID
NOES: NONE
ABSENT: NONE

8. PUBLIC HEARINGS

8.1 Case No. 2020-1004 (Conditional Use Permit, Tentative Parcel Map)

Location: 8151 18th Street (Assessor’s Parcel Number 195-141-01)

Applicant: Cach Nguyen

Project Planner: Christopher Wong, Senior Planner

PROJECT DESCRIPTION: A proposal to convert two existing detached multiple-family residential units into for-sale condominium units.

RECOMMENDATION: Staff recommends that the Planning Commission continue the public hearing to the next regularly scheduled meeting on March 17, 2021.

Planning Manager Steven Ratkay explained State law requires that the public hearing be duly advertised prior to holding the public hearing; and, offered that the applicant was unable to post the notice on site as required by the Westminster Municipal Code and that is the reason for the request to continue the public hearing to the next regularly scheduled planning Commission meeting on March 17, 2021.

Discussion ensued between the Planning Manager and the Commissioners regarding the former and current processes of public notification.

Motion: It was moved by Commissioner Anderson, and seconded by Vice Chair M. Nguyen, to continue the public hearing for Case No. 2020-1004 to the next regularly scheduled meeting on March 17, 2021. The motion carried (5-0) with the following vote:

AYES: ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

8.2 Case No. 2021-0026 (Zoning Text Amendment)

Location: Citywide within residential zones

Applicant: City of Westminster

Project Planner: Alice Tieu, Associate Planner

PROJECT DESCRIPTION: A Zoning Text Amendment (ZTA) to the Westminster Municipal Code amending sections 17.210.010, 17.400.120, 17.400.135, 17.520.010, and 17.700.010, and amendments to Chapter 3.62.040, to regulate accessory dwelling units.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the City's CEQA guidelines, the project has been determined to be exempt from CEQA per Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which state the adoption of an ordinance regarding second dwelling units (ADUs) to implement the provision of Section 65852.2 of the Government Code are exempt from the requirements of CEQA.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a resolution entitled "A Resolution of the Planning Commission of the City of Westminster Recommending that the Mayor and City Council Adopt Amendments to the Westminster Municipal Code Related to Accessory Dwelling Units (Case No. 2021-0026)."

Planning Manager Steve Ratkay provided an introduction about some changes at the State level in relation to accessory dwelling units (ADU). He offered that the City had adopted an urgency ordinance in December 2019 in order to retain some control over ADU development and now the City is moving forward to adopt a permanent ordinance.

Associate Planner Alice Tieu provided a PowerPoint presentation to the Commission, highlighting significant changes from the urgency ordinance to the proposed permanent ADU Ordinance.

Commissioner Anderson, Chair Seid, and Vice Chair M. Nguyen asked for clarification on the following items:

- The discrepancy between the proposed ADU Ordinance and the State legislation in relation to the percentage of primary dwelling and square footage.
- Why a restrictive covenant was required for a JADU, but not for the ADU.
- Why the City has opted to be more liberal in the proposed permanent ADU ordinance than the State requirements in some areas.
- Any areas where we have more flexibility for restrictions regarding ADUs.
- If ADUs would come back for Planning Commission review under certain circumstances.
- If second kitchens were allowed in ADUs.

CHAIR SEID OPENED THE PUBLIC HEARING

Terry Rains, resident of Westminster, stated the City could do better in notifying residents about public hearings to encourage more participation. She felt that a maximum number of bedrooms should be removed from the proposed permanent Ordinance as it could encourage construction of more bedrooms; she added that State law does not allow an agency to set limitations on the number of bedrooms. She felt that the City should keep the restrictive covenant for ADUs since these properties would likely change hands and there will be new ownership. She also thought information about the following items should be mentioned within the Ordinance:

- Development impact fees (SB-13)
- No lot coverage requirements if the ADU meets the State guidelines (800 square feet, not more than 16 feet in height, four (4) feet rear and side yard setback)
- Energy Code requirement to add solar panels to newly constructed ADUs.

THERE BEING NO FURTHER SPEAKERS AND NO WRITTEN COMMENTS TO READ INTO THE RECORD, CHAIR SEID CLOSED THE PUBLIC HEARING.

Commissioner Anderson stated that he felt the State had already given property owners tremendous latitude in relation to ADUs. He knows the City's Ad Hoc Committee made some changes to make the Ordinance less restrictive than the State law; but, he didn't feel the City needed to provide the additional latitude.

Vice Chair M. Nguyen stated that he agreed with the state mandate and what they are trying to do to increase housing, but he was concerned about the implementation and how it would affect the quality of the community. He agreed with Commissioner Anderson and stated he had concerns with how much latitude was provided to property owners.

Chair Seid would like staff to respond to the concerns raised by Ms. Rains during the public hearing and if the City might not be in compliance in some areas or possibly at risk.

Deputy Attorney Scott Porter stated that Ms. Rains was a well-informed individual, but he was not concerned about the comments raised during the public hearing. He did want to inform everyone at the meeting that if a garage is converted into an ADU, the City is unable to require replacement parking.

Commissioner Pham stated she understood that we have to follow State Law and that there may be impacts to neighborhoods because of the changes. It was a lot to take in and a lot to consider, but the City had limited power since State law has to be followed.

Discussion ensued about the Regional Housing Needs Assessment (RHNA) number assigned to the City and how construction of ADUs may serve some of that required number. Chair Seid offered that the less restrictive path could allow the City to reach the RHNA number a little faster than a more restrictive path.

Motion: It was moved by Commissioner Anderson, and seconded by Vice Chair M. Nguyen, to recommend the Mayor and City Council adopt amendments to the Westminster Municipal Code related to accessory dwelling units with the following changes: Remove the allowance of a Junior Accessory Dwelling Unit (JADU) within a garage conversion; remove maximum size of an Accessory Dwelling Unit (ADU) to the most restrictive size allowed by state law; and, remove the provision specifying a maximum number of bedrooms within an ADU. The motion carried with the following vote: 5-0

AYES:	ANDERSON, M. NGUYEN, Q. NGUYEN, PHAM, SEID
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

9. REGULAR BUSINESS - None

10. REPORTS - None

11. MATTERS FROM STAFF

Planning Manager Ratkay informed the Commission of vacant Planning Division positions that were recently filled, or in the process of being filled, which will ultimately reduce project processing times. He acknowledged staff for their contributions to this meeting and acknowledged the planning commissioners for their contributions that will help guide the City into the future.

12. MATTERS FROM THE PLANNING COMMISSION – INCLUDING AB1234 REPORTS WHEN REQUIRED

14. ADJOURNMENT

The meeting was adjourned at 8:04 p.m. to a regular meeting on Wednesday, March 17, 2021 at 6:30 p.m.



Weston Seid
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Stevens
Senior Administrative Assistant