

WESTON SEID
Chair

VACANT
Vice Chair

QUYNH-GIAO NGUYEN
Commissioner

NGUYET PHAM
Commissioner

DON ANDERSON
Commissioner



AMENDED
AGENDA

PLANNING COMMISSION

Regular Meeting

Wednesday, November 3, 2021

6:30 p.m. – Via Teleconference/Web Conference Only

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

In an effort to protect public health and prevent the spread of coronavirus (COVID-19), the City of Westminster encourages the public to view this Planning Commission meeting on the television or online. The Council Chambers will be closed to adhere to guidelines for practicing safe social distancing and within the guidelines for gatherings.

If you need special assistance to participate in this meeting, including interpretation, please contact the Planning Division at (714) 548-3247. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda is available for public inspection on the City's website at <https://www.westminster-ca.gov/departments/community-development/planning-division/planning-commission/late-communication-written-comments>

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 September 17, 2021, Governor Newsom signed AB 361 related to the Brown Act and remote meetings during the state of emergency. AB 361 allows local agencies to continue to conduct remote or “Zoom” meetings during a declared State of Emergency. The City Council adopted Resolution No. 5067 on September 22, 2021, determining as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees. The City Council shall make this determination every 30 days. Pursuant to AB 361, please be advised that some or all of the Westminster Planning Commission Members will participate in meetings via teleconference/web conference.

MEETINGS

Regular Meetings of the Planning Commission are held the first and third Wednesday of each month at the hour of 6:30 p.m. Agenda items that are not in process by 10:30 p.m. may be carried over to the next regular meeting of the Planning Commission.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. The agenda and supporting documentation are available for public review no later than 72 hours prior to the meeting. The agenda can be accessed on the City’s web site at <https://www.westminster-ca.gov/departments/community-development/planning-division/planning-commission/agendas-minutes>.

WEBSITE/TELEVISED MEETING SCHEDULE

Regular Planning Commission meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Tuesday at 7:00 p.m. and Thursday at 7:00 p.m. The City’s Website provides information about viewing live and archived Planning Commission meetings. If you have internet access, you can follow the meeting live with a video stream on your computer at the following link: [Meeting Broadcast](#)

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ATTENDANCE AND PARTICIPATION BY THE PUBLIC

IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19, IN LIEU OF ATTENDING THE MEETING, MEMBERS OF THE PUBLIC MAY VIEW THE MEETING LIVE IN ONE OF THE FOLLOWING WAYS:

- [City of Westminster Streaming Video Online](#)
- Westminster WTV: Spectrum Channel 3, Frontier FiOS Channel 42, and AT&T U-Verse Channel 99

To view the meeting via Zoom, please visit: <https://us02web.zoom.us/j/84610124212>

Or iPhone one-tap:

- US: +16699009128,,84610124212# or +12532158782,,84610124212#
- Or Telephone:
 - Dial (for higher quality, dial a number based on your current location):
 - US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
- **Webinar ID: 846 1012 4212**
- International numbers available: <https://us02web.zoom.us/j/84610124212>

MEMBERS OF THE PUBLIC WHO WISH TO ADDRESS THE PLANNING COMMISSION FOR COMMENTS DURING ORAL COMMUNICATIONS OR COMMENTS DURING AN OPEN PUBLIC HEARING MAY SUBMIT COMMENTS IN WRITING THROUGH E-MAIL PRIOR TO THE START OF THE MEETING:

- Please submit the e-mails to the following e-mail address:
WMPCcomments@westminster-ca.gov
- Comments received via the Westminster Planning Commission Comments E-Mail prior to the start of the meeting will be read into the record during oral communications or read into the record during an open public hearing (if applicable). Profanity, obscenity, or discriminatory language will not be read.
- Your comments will become part of the official meeting record. You must provide your full name, please do not provide any other personal information (i.e. phone numbers, addresses, etc.) that you do not want to be published.
- Use the following link to view written comments: <https://www.westminster-ca.gov/departments/community-development/planning-division/planning-commission/late-communication-written-comments>

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IN LIEU OF WRITTEN COMMENTS, MEMBERS OF THE PUBLIC WHO WISH TO VERBALLY ADDRESS THE PLANNING COMMISSION DURING ORAL COMMUNICATIONS OR THE PUBLIC HEARING MAY SUBMIT A REQUEST TO SPEAK FORM PRIOR TO THE BEGINNING OF THE MEETING:

TO REQUEST TO SPEAK IN ADVANCE:

- Use the following form to request to speak: [Request to Speak Form](#) (Click the link to access this form).
- Once you have filled out the above form. Please submit the form to the following email address: WMPCcomments@westminster-ca.gov
- Speakers must attend the Planning Commission meeting via Zoom in order to speak to the Planning Commission. Make sure you are logged into Zoom prior to the start of Oral Communications or Public Hearings (if applicable).
- When your name is called, please press the “Raise Your Hand” button and wait for the Planning Commission Clerk to enable your microphone and you must press the “unmute” button to unmute yourself. If calling from a telephone or cell phone, press *6 on your dial pad to mute and unmute.
- When your microphone is active, please state your name and city of residence for the record.

TO SPEAK WITHOUT A REQUEST IN ADVANCE:

- Any speakers who have submitted a written comment and are also present to provide a comment verbally, will not have their written comment read into the record. Both the verbal comment provided to the Commission and written comment will remain a part of the official record, but only one comment will be received during Oral Communications or Public Hearing (If Applicable).
- Speakers must attend the Planning Commission meeting via Zoom in order to speak to the Planning Commission. Make sure you are logged into Zoom prior to the start of Oral Communications or Public Hearings (if applicable).
- When your name is called, please press the “Raise Your Hand” button and wait for the Planning Commission Clerk to enable your microphone and you must press the “unmute” button to unmute yourself. If calling from a telephone or cell phone, press *6 on your dial pad to mute and unmute.
- When your microphone is active, please state your name and city of residence for the record.

All meetings of the Planning Commission shall be open and public. Agendas for the Planning Commission meetings provide the public an opportunity to directly address the Planning Commission on items of interest to the public that are within the subject matter jurisdiction of the Planning Commission on any agenda items. NO action may be taken on items not listed on the agenda unless authorized by law.

AGENDA

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6:30 P.M.

CONVENE PLANNING COMMISSION MEETING

- 1. ROLL CALL – ANDERSON, Q. NGUYEN, PHAM, SEID**
- 2. SALUTE TO FLAG**
- 3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS**
- 4. EX PARTE COMMUNICATIONS**

THIS SECTION IS INTENDED TO ALLOW ALL OFFICIALS THE OPPORTUNITY TO REVEAL ANY DISCLOSURE REGARDING SITE VISITS OR EX PARTE COMMUNICATION ABOUT THE PUBLIC HEARING AND REGULAR BUSINESS ITEMS.

- 5. SPECIAL PRESENTATIONS - None**
- 6. ORAL COMMUNICATIONS**

MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON MATTERS OF PUBLIC INTEREST, WHICH PERTAIN TO THE CITY AND ARE NOT OTHERWISE ON THE AGENDA. MEMBERS OF THE PUBLIC WISHING TO ADDRESS PUBLIC HEARING ITEMS SHALL DO SO AT THE TIME OF THE PUBLIC HEARING. COMMENTS SHALL BE LIMITED TO FIVE (5) MINUTES PER SPEAKER. IN THE EVENT A VERBAL AND WRITTEN COMMENT IS RECEIVED FROM THE SAME SPEAKER, ONLY THE VERBAL COMMENT WILL BE RECEIVED DURING THE MEETING. THE WRITTEN COMMENT WILL BE PART OF THE MEETING RECORD, BUT NOT READ INTO THE RECORD.

PLEASE SEE PAGES 2-3 FOR INSTRUCTIONS ON HOW TO SPEAK VIA ZOOM OR HOW TO SUBMIT YOUR WRITTEN COMMENTS.

- 7. APPROVAL OF MINUTES – None**
- 8. PUBLIC HEARINGS**

DUE TO COVID-19 RESTRICTIONS, CHANGES HAVE BEEN MADE TO THE PUBLIC HEARING PROCESS IN ORDER TO ENSURE MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY.

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ANYONE WISHING TO COMMENT ON AN OPEN PUBLIC HEARING MAY PARTICIPATE IN ONE OF TWO WAYS:

- 1) SUBMIT COMMENTS IN WRITING THROUGH THE PLANNING COMMISSION E-MAIL PRIOR TO THE START OF THE MEETING
 - Please submit the e-mails to the following email address:
WMPCcomments@westminster-ca.gov
- 2) ATTEND THE MEETING VIA ZOOM AND PROVIDE A VERBAL COMMENT DURING THE PUBLIC HEARING IN THE FOLLOWING WAYS:

TO REQUEST TO SPEAK IN ADVANCE:

- Use the following form to request to speak during the meeting:
[Request to Speak Form](#) (Click the link to access this form). Please submit the form to: WMPCcomments@westminster-ca.gov.
- Any speakers dialing in must make an advance request to speak in order for the Planning Commission Clerk to identify the speaker and the phone number.

TO SPEAK WITHOUT A REQUEST IN ADVANCE:

- An opportunity to speak will be provided to all attendees at the meeting. You must press the “Raise Your Hand” button to be recognized.

PLEASE SEE PAGES 2-3 FOR FULL INSTRUCTIONS ON HOW TO SPEAK VIA ZOOM OR HOW TO SUBMIT YOUR WRITTEN COMMENTS.

AFTER THE PUBLIC HEARING IS OPENED, THE APPLICANT OR APPLICANT’S DESIGNEE WILL BE ALLOWED THE OPPORTUNITY TO SPEAK FIRST AND WILL BE PROVIDED TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH SPEAKER WHO HAS SUBMITTED A REQUEST TO SPEAK FORM WILL BE CALLED ONE AT A TIME AND WILL BE PROVIDED FIVE (5) MINUTES TO SPEAK. AN OPPORTUNITY FOR COMMENT WILL BE PROVIDED TO ALL REMAINING ATTENDEES PRESENT AT THE MEETING, WHO HAVE NOT YET SPOKEN, AND WILL BE PROVIDED FIVE (5) MINUTES TO SPEAK. THEREAFTER, E-MAILED COMMENTS RECEIVED 24 HOURS PRIOR TO THE MEETING WILL BE READ INTO THE RECORD. AFTER ALL COMMENTS, THE APPLICANT OR APPLICANT’S DESIGNEE WILL BE PROVIDED FIVE (5) MINUTES FOR REBUTTAL.

EXCEPT FOR THE APPLICANT OR THE APPLICANT’S DESIGNEE, EACH ATTENDEE MAY ONLY SPEAK ONCE, UNLESS CALLED UPON BY THE COMMISSION TO ANSWER ADDITIONAL QUESTIONS DURING THE PUBLIC HEARING. THE PLANNING COMMISSION MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED THE ALLOTTED TIME. ANYONE PROVIDING A VERBAL COMMENT WILL NOT HAVE A WRITTEN COMMENT ALSO READ INTO THE RECORD. ANY ADDITIONAL WRITTEN COMMENTS WILL REMAIN PART OF THE PERMANENT RECORD.

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IN ORDER TO BE RECOGNIZED, ALL ATTENDEES WILL PRESS THE “RAISE YOUR HAND BUTTON,” EITHER ONCE THEIR NAME IS CALLED FROM A PREVIOUSLY SUBMITTED REQUEST TO SPEAK FORM, OR, WHEN PROVIDED AN OPPORTUNITY AFTER ALL REQUEST TO SPEAK FORMS HAVE BEEN PROCESSED. IF NO HANDS ARE RAISED AT THE TIME PROVIDED DURING THE PUBLIC HEARING, THE OPPORTUNITY TO SPEAK WILL BE CONCLUDED.

AFTER BEING CALLED, THE PLANNING COMMISSION CLERK WILL ACTIVATE YOUR MICROPHONE. ONCE YOUR MICROPHONE IS ACTIVE, PLEASE STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD PRIOR TO PROVIDING YOUR COMMENTS.

8.1 Case No. 2020-1127 (General Plan Amendment, Zoning Map Amendment, Conditional Use Permit, and Development Review)

Continued from the October 20, 2021 Meeting

Location: 8251 Heil Avenue

Assessor’s Parcel Numbers: 107-220-68 and 107-220-69

Applicant: ActivCare Living, Inc.

Project Planner: Christopher Wong, Senior Planner

[Staff Report and Attachments 1-6](#)

[Environmental Document and Response from OCTA – Attachments 7-8](#)

[Project Plans – Attachment 9](#)

PROJECT DESCRIPTION: A proposal to develop and operate a residential care facility on a vacant lot.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State of California Implementation Guidelines, and the requirements of the City for any potential environmental impacts associated with the project. These potential impacts were evaluated in an Initial Study (IS), which discusses in detail the various environmental impacts. As a result, a Mitigated Negative Declaration (MND) was prepared by Hodge and Associates and is recommended for consideration by the Planning Commission. The IS/MND identified the following environmental factors to be potentially affected: air quality, hazards and hazardous materials, hydrology and water quality, noise, public services, and tribal cultural resources.

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On September 10, 2021, Hodge and Associates provided a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) to all responsible agencies, the county clerk, all organizations and individuals who have previously requested such notice in writing, and directly mailed it to property owners and occupants of property contiguous to the project site. Notices were also posted at the project site, City Council Chambers, City Hall, Westminster Branch Library, and on the City's website. The NOI included a description of the proposed project and its location; the start and end dates for the public review period; and the address where copies of the MND are available for review. The public review period began on September 14, 2021 and ended on October 4, 2021.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- 1) Adopt a resolution entitled, "A Resolution of the Planning Commission of the City of Westminster Recommending that the Mayor and City Council Adopt a Mitigated Negative Declaration Associated with Case No. 2020-1127 Involving a General Plan Amendment, Zoning Map Amendment, Conditional Use Permit, and Development Review for the Proposed Development of a Residential Care Facility on Property Located at 8251 Heil Avenue (Assessor's Parcel Numbers 107-220-68 and 107-220-69)"; and
- 2) Adopt a resolution entitled, "A Resolution of the Planning Commission of the City of Westminster Recommending that the Mayor and City Council Approve Case No. 2020-1127 Involving a General Plan Amendment, Zoning Map Amendment, Conditional Use Permit, and Development Review for the Proposed Development of a Residential Care Facility on Property Located at 8251 Heil Avenue (Assessor's Parcel Numbers 107-220-68 and 107-220-69)."

9. REGULAR BUSINESS - None

10. REPORTS

11. MATTERS FROM STAFF

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

13. ADJOURNMENT – TO A REGULAR MEETING ON WEDNESDAY, NOVEMBER 17, 2021, AT 6:30 PM.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the Planning Commission meeting.

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/S/Shelley Stevens, Senior Administrative Assistant