



**PLANNING COMMISSION
Minutes of the Regular Meeting
Teleconference/Web Conference Only
8200 Westminster Boulevard
Westminster, CA 92683
December 1, 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 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.

The Planning Commission of the City of Westminster, California convened on December 1, 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, NGUYEN, PHAM, SEID

PRESENT: ANDERSON, NGUYEN, PHAM, SEID, VU-NGUYEN

ABSENT: PHAM

STAFF PRESENT:

Steven Ratkay, Planning Manager; Christopher Wong, Senior Planner; Sandie Kim, Associate Planner; Alice Tieu, Associate Planner; Michael Son, Housing Specialist; Debra Kurita, Interim Community Development Director; Adolfo Ozaeta, Interim Assistant City Manager; Kathya M. Firlik, Assistant City Attorney; Memnon Torio, Assistant Planner; Shelley Stevens, Senior Administrative Assistant.

CONSULTANTS PRESENT:

Amanda Tropiano, Housing Consultant; Perry Banner, Housing Consultant

2. SALUTE TO FLAG

Commissioner Anderson led the salute to the flag.

3. ELECTION OF VICE CHAIR

Motion: It was moved by Chair Seid, and seconded by Commissioner Nguyen, to approve Commissioner Anderson to serve in the position of Vice Chairman of the Planning Commission. The motion carried (4-0) with the following vote:

AYES: ANDERSON, NGUYEN, SEID, VU-NGUYEN
NOES: NONE
ABSENT: PHAM
ABSTAIN: NONE

4. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Ratkay reported that there was one late communication item pertaining to item 9.1 on the agenda.

5. EX PARTE COMMUNICATIONS - None

6. SPECIAL PRESENTATIONS - None

7. ORAL COMMUNICATIONS

Terry Rains, Westminster resident, stated that 1.1 acres of parkland for every 1,000 residents places Westminster in the third lowest per capita rate in Orange County. She opined that Westminster could not afford to lose any more precious open parkland to another monument; offering her opinion that the Quang Tri Monument should be placed on private property somewhere in the Little Saigon area to help create a true Vietnamese cultural district. She stated that she felt renaming Park West Park to Tony Lam Park was not in the City's best interest and may further divide the Vietnamese community in Westminster. She concluded by sharing her knowledge of the OC Nightclub operations.

8. APPROVAL OF MINUTES

May 5, 2021; October 20, 2021; and, November 3, 2021

Motion: It was moved by Chair Seid, and seconded by Vice Chair Anderson, to approve the minutes of May 5, 2021; October 20, 2021; and, November 3, 2021 as presented. The motion carried (4-0) with the following vote:

AYES: ANDERSON, NGUYEN, SEID, VU-NGUYEN
NOES: NONE
ABSENT: PHAM
ABSTAIN: NONE

9. PUBLIC HEARINGS

9.1 Case No. 2021-0229 (2021-2029 Housing Element)

Location: Citywide

Applicant: City of Westminster

Project Planner: Sandie Kim, Associate Planner

PROJECT DESCRIPTION: 2021-2029 Housing Element Update.

CEQA COMPLIANCE: The proposed Draft Housing Element Update has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the requirements of the City. The City has reviewed and considered the Final Environmental Impact Report (FEIR) for the General Plan certified by the City Council on September 28, 2016 (State Clearinghouse No. 2015121052), including the impacts and mitigation measures identified therein. In compliance with CEQA Guidelines Section 15164, an Addendum to the General Plan FEIR has been prepared which concludes that the proposed updates to the General Plan Housing Element do not result in any new or greater environmental impacts than were previously analyzed, disclosed, and mitigated. None of the conditions in CEQA Guidelines Section 15162 are present to require the preparation of a subsequent EIR, and no additional environmental review is required. An Addendum to the Westminster General Plan FEIR is provided as Attachment No. 2 to the staff report.

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 Amend the Westminster General Plan by adopting the Housing Element Update and Adopt an Addendum to the Westminster General Plan Final Environmental Impact Report.

CHAIR SEID OPENED THE PUBLIC HEARING AND CALLED UPON PLANNING MANAGER STEVE RATKAY TO PRESENT ITEM 9.1.

Planning Manager Ratkay introduced Amanda Tropiano from De Novo Planning to present the City's Draft Housing Element Update.

Ms. Tropiano provided a PowerPoint presentation to the Commission. She shared information on the following topics:

- Project Team
- Project Timeline
- Project Outreach
- Housing Element Overview
- Housing Needs Assessment
- Existing Housing Inventory
- Methodology for Regional Housing Needs Assessment Allocation
- Summary of the Draft Housing Element Programs
- Proposed City Site Inventory

CHAIR SEID NOW OPENED PUBLIC COMMENT AND INVITED THE APPLICANT TO SPEAK.

Terry Rains, Westminster resident, stated she had attended several of the community meetings and workshops regarding the Draft Housing Element. She was thankful that the Regional Housing Needs Assessment (RHNA) number had been corrected to reflect the RHNA allocation of 9,759 units. She opined that the City has not done enough to offer low income or rent restricted housing over the previous Housing Element period and offered her analysis of housing in Westminster. She concluded that she would like to see the City mandate that developers must designate a percentage of all new units built in the city as extremely low-income units.

Eitel Brunswig, a member of the Southwest Regional Council of Carpenters, stated the City should require a local skilled and trained workforce to build the various housing element projects. He offered that it would have a lower impact on the environment while benefiting the local economy.

Commissioner Vu-Nguyen inquired about the figures provided by Ms. Rains in relation to amount of total income the majority of households use for housing in Westminster. Ms. Tropiano responded that she believed that Ms. Rains was using figures from the report that demonstrates that many residents pay more than 30 percent of their income for housing costs and that is considered a very high burden for housing.

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

Vice Chair Anderson inquired how much we have received in the past year in State housing funds. Planning Manager Ratkay responded that he didn't have the figure, but he offered that much funding such as HOME grants and other state funding related to housing is tied in to having a certified Housing Element. He also offered that transportation funds are tied to having a certified Housing Element.

Chair Seid asked for clarification regarding the City's role in developing housing units. Mr. Ratkay stated that the Housing Element sets the City's official policies for its approach for allowing and encouraging housing to be developed using various action like zoning code programs that could provide incentives to develop in the City. Ms. Tropiano summarized by stating that the City's role is not to develop housing in the sense of physically building new units, that is the job of the development community regardless if units are market rate or affordable. She added the City's job is to "set the stage" for development through its primary power of land use designation and support the development community to the extent it can to produce those units.

Discussion ensued about the requirement to develop lower income housing through possible inclusionary language in the Housing Element and what State assistance was available to developers of housing units, new homeowners, and renters.

Motion: It was moved by Chair Seid, and seconded by Vice Chair Anderson, to recommend that the Mayor and City Council to amend the Westminster General Plan by adopting the Housing Element Update and adopt an addendum to the Westminster General Plan Final Environmental Impact Report. The motion carried (4-0) with the following vote:

AYES: ANDERSON, NGUYEN, SEID, VU-NGUYEN
NOES: NONE
ABSENT: PHAM
ABSTAIN: NONE

9.1 Case No. 2019-078 (Conditional Use Permit)

Location: 14361 Beach Blvd, Ste. 105 to 109

Assessor's Parcel Number: 096-362-31

Applicant: Nga N. Doan

Project Planner: Alice Tieu, Associate Planner

PROJECT DESCRIPTION: A proposal to allow for the operation of a 5,644 square foot adult day care facility.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and the requirements of the City of Westminster. If the project is approved, the project would be deemed to be categorically exempt per Class 1 Section 15301 of the California Environmental Quality Act (CEQA) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a

resolution entitled "A Resolution of the Planning Commission of the City of Westminster Approving Case No. 2019-078, Conditional Use Permit to allow the operation of an adult day health care facility of approximately 5,644 square feet located at 14361 Beach Boulevard Suite No. 105-109, (Assessor's Parcel Number 096-362-31)."

CHAIR SEID OPENED THE PUBLIC HEARING AND CALLED UPON ASSOCIATE PLANNER ALICE TIEU TO PRESENT ITEM 9.2.

Associate Planner Tieu provided a PowerPoint presentation to the Commission.

CHAIR SEID NOW OPENED PUBLIC COMMENT AND INVITED THE APPLICANT TO SPEAK.

Erik T. Doan, Westminster resident and administrator of Golden Life Adult Day Care Services, stated he has been in this business for 16 years. He explained that the business is known as an adult day health care facility or community based adult services. He stated that the programs serve older adults, disabled adults and seniors within the community. He offered some examples of activities and educational programs that would be offered at the facility.

Kenny Nguyen, resident of Huntington Beach and representing the owners of the property, stated he felt this was a good project to benefit the community. He offered that without facilities and programs like the proposed, elders in the community will end up in a skilled nursing facility and most of them would rather be with their families.

Terry Rains, Westminster resident, stated that she felt adult day care facilities are wonderful. She offered that it provided a reprieve for caretakers and it also provided an adventure for the elders using the facility. She questioned how the multi-unit space was going to be used, if it would be segmented by the unit numbers or if it would be one large room for patrons.

Chau Lam (Written Comment), CEO of Hoi Cao Nien A My (Asian-American Senior Citizens Association) – Southern California Chapter, stated he was excited to have the opportunity to give his support to Golden live Community-based Adult Services (CBAS) in its application for a Conditional Use Permit. He offered that members of his organization will use this facility for scheduled activities and educational classes. He concluded by urging the Planning commissioners to support the request.

THERE BEING NO FURTHER SPEAKERS OR ANY WRITTEN COMMENTS TO BE READ INTO THE RECORD, CHAIR SEID CALLED FOR REBUTTAL.

Erik T. Doan, Westminster resident and administrator of Golden Life Adult Day Care Services, responded to a question presented by Ms. Rains regarding the floorplan of the facility and confirmed the end result after construction will be one big room for patrons. He offered tours of the facility when construction was completed.

Vice Chair Anderson inquired if the original intent was to be used for office space. Mr. Doan stated that the original intent was mixed use retail and office space. Chair Seid inquired about the training and expertise required to operate this type of business. Mr. Doan stated, as an administrator, he has a master's degree in aging services management which is specific to this type of industry. He then provided examples of the degrees and experience required for other positions within his industry.

Commissioner Vu-Nguyen asked if there would be a nutritionist on staff at the facility. Mr. Doan responded that he would have a registered dietitian come into the facility as a consultant on a regular interval.

CHAIR SEID CLOSED THE PUBLIC HEARING

Vice Chair Anderson was in favor of the project but shared his concern about disposable food service and food waste may overburden the trash receptacles and he would like that to be addressed when a motion is made. Associate Planner Tieu stated that when this project was routed through the Midway Sanitary District, they did not indicate a need for additional improvement of the trash receptacles. Vice Chair Anderson clarified that he was not looking to have an improvement to the receptacles, he believed the proposed use could benefit from a more frequent pick up since they will likely be generating a lot of waste.

Further discussion ensued about refuse pick up and how to address the concern in the motion.

Motion: It was moved by Vice Chair Anderson, and seconded by Commissioner Nguyen, to adopt Case No. 2019-078, a Conditional Use Permit to allow the operation of an adult day health care facility located at 14361 Beach Boulevard Suite No 105-109; with an added condition that the applicant shall ensure there is adequate refuse pickup to make sure the trash bins don't overflow. The motion carried (4-0) with the following vote:

AYES:	ANDERSON, NGUYEN, SEID, VU-NGUYEN
NOES:	NONE
ABSENT:	PHAM
ABSTAIN:	NONE

10. REGULAR BUSINESS - None

11. REPORTS – None

12. MATTERS FROM STAFF

Planning Manager Ratkay welcomed Commissioner Vu-Nguyen to the planning commission and congratulated Commissioner Don Anderson on his new position as Vice Chair. He shared that there were no items currently scheduled for the December 15th meeting and due to the City furlough between Christmas and the New Year we would cancel the January 5th meeting. He thanked the Commission for all their hard work and wished all a great holiday season. He also thanked the Assistant City Attorney and staff for the work they do.

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

Chair Seid thanked staff for all they do, congratulated Commissioner Don Anderson on his new role as Vice Chair, and welcomed Commissioner Teri Vu-Nguyen to the Commission, and wished everyone a happy holiday.

Commissioner Nguyen thanked staff for all their hard work, offered congratulations to Commissioner Don Anderson, Welcomed Commissioner Vu-Nguyen, and she wished everyone a great Holiday.

Commissioner Vu-Nguyen thanked staff for all their help preparing her for attendance at her first planning commission meeting, she offered congratulations to Vice Chair Don Anderson, and wished everyone a beautiful Christmas season and a happy new year.

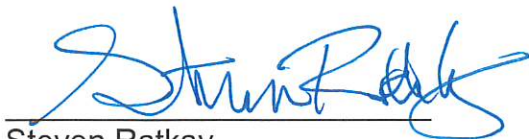
Vice Chair Anderson thanked the commissioners for their comments and their confidence in him to serve as Vice Chairman of the Planning Commission, he thanked staff, and wished everyone health and happiness in the coming month and also the coming year.

14. ADJOURNMENT

The meeting was adjourned at 8:24 p.m. to a regular meeting on Wednesday, December 15, 2021 at 6:30 p.m.



Don Anderson
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:

Shelley Stevens

Shelley Stevens
Senior Administrative Assistant