



**PLANNING COMMISSION
Minutes of the Regular Meeting
In-Person Hybrid (Teleconference/Web Conference)
8200 Westminster Boulevard
Westminster, CA 92683
November 2, 2022
6:30 p.m.**

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 November 2, 2022, at 6:30 p.m. via In-Person Hybrid (teleconference/Web conference), at the City Council Chambers, 8200 Westminster Boulevard, Westminster, California.

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, A. NGUYEN, Q. NGUYEN, PHAM, VU-NGUYEN

PRESENT: ANDERSON, A. NGUYEN, PHAM, VU-NGUYEN

ABSENT: Q. NGUYEN

STAFF PRESENT:

Steven Ratkay, Planning Manager; Debra Kurita, Interim Community Development Director; Christopher Wong, Senior Planner; Russell Miyahira, Deputy City Attorney; Russel Hildebrand, Deputy City Attorney; Adolfo Ozaeta, Assistant City Manager; Lucie Columbo, Interim City Clerk; Michael Son, Housing Specialist; Shelley Stevens, Senior Administrative Assistant.

CONSULTANTS PRESENT:

Wendy Nowak, Planning Consultant from Placeworks; Mark Teague, Planning Environmental Consultant from Placeworks; Jason Moody, Planning Consultant from Economic and Planning Systems; Paul Herrmann; Transportation Consultant from Fehr and Peers.

2. SALUTE TO FLAG

Chair Anderson led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Ratkay reported that three late communications were received for item 8.1.

There were two additional late communications received. One came in via email just before the start of the meeting and discovered after the meeting start. The second was provided by a speaker during the public hearing.

4. EX PARTE COMMUNICATIONS

Chair Anderson reported meeting with the City of Westminster Planning staff regarding item 8.1. Vice Chair Pham reported visiting the Westminster Mall property related to item 8.1.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

Sophak Ok, President of the Westminster Chamber of Commerce, expressed support for overall City development and thanked the landowners of the Westminster Mall: Washington Prime Group, Shopoff, Kaiser, and the trustees of Connie L. Sillen Trust. He hoped that they would all work effectively together in cohesion with the City. He offered that the Chamber welcomes all types of commerce to the City to foster economic growth and employment opportunities.

Natalie Schuman, joining via Zoom, stated she would like to comment on the public hearing later in the meeting, but offered that there was no video available via zoom to view the meeting.

At this point in the meeting it was identified that public members in attendance were unable to view the meeting via Zoom. Attendees were able to hear the meeting but the only a blank or dark screen was being shared. The meeting progress was delayed until the broadcast image was corrected on the Zoom platform.

Kerrilyn DeHart inquired who owned the Westminster Mall properties and if anyone on the Council had visited the properties surrounding the existing Westminster Mall. She was informed that her comments regarding the Westminster Mall would be more appropriate during the public hearing during item 8.1.

Frank Van Twist stated that he only wanted to comment that there was no video showing on Zoom, but confirmed it was now working.

7. APPROVAL OF MINUTES – October 19, 2022

Motion: It was moved by Chair Anderson, and seconded by Vice Chair Pham, to approve the minutes of October 19, 2022 as presented. The motion carried (4-0) with the following vote:

AYES: ANDERSON, A. NGUYEN, PHAM, VU-NGUYEN
 NOES: NONE
 ABSENT: Q. NGUYEN
 ABSTAIN: NONE

8. PUBLIC HEARINGS

8.1 2019-201 (General Plan Amendment, Specific Plan, Environmental Impact Report)

Location: Westminster Mall Site

Assessor’s Parcel Numbers: 195-373-08, 195-373-09, 195-373-10, 195-373-11, 195-373-15, 195-373-16, 195-373-18, 195-373-19, 195-373-20, 195-373-34, 195-373-35; 195-462-01, 195-462-02

Applicant: City of Westminster

Property Owner(s):

Name	Assessor’s Parcel Number
Westminster Mall LLC (Strategic Value Partners Global / Washington Prime)	195-373-08, -11, -16, -18, -19, -20, -34, -35; 195-462-02
Westminster Village Owner LLC (Shopoff)	195-373-09, -10
Kaiser Foundation Health Plan Inc.	195-462-01
Connie L Sillen Trust	195-373-15

Project Planner: Debra Kurita, Interim Community Development Director; Steve Ratkay, AICP, Planning Manager; Christopher Wong, Senior Planner

PROJECT DESCRIPTION: Consideration of the proposed Westminster Mall Specific Plan (WMSP), which includes development standards and guidelines for mixed commercial, professional office, hotel, and residential development (varying in housing type and affordability). The development standards and guidelines would apply to future development within the WMSP area. No development projects are proposed at this time. The Planning Commission must consider the WMSP, and formulate recommendations to the City Council on the following actions:

- General Plan Amendment: An amendment to the text in the Westminster General Plan to accommodate the Westminster Mall Specific Plan.
- Specific Plan: Adoption of the Westminster Mall Specific Plan, which will include development standards, architectural guidelines, and development review processes for future projects within the Specific Plan area.
- Adoption of an Environmental Impact Report and Mitigation Monitoring Plan.

CEQA COMPLIANCE: In compliance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the project. The Draft EIR identifies significant and unavoidable adverse project-related impacts in the following environmental impact categories: Air Quality, Greenhouse Gas Emissions, Noise, and Transportation.

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 Certify Environmental Impact Report (State Clearing House #2019100444) Associated with Case No. 2019-201 Prepared for the Westminster Mall Specific Plan”;
- 2) Adopt a resolution entitled, “A Resolution of the Planning Commission of the City of Westminster, Recommending that the Mayor and City Council Approve an Amendment to the General Plan Regarding the Westminster Mall Specific Plan (Mixed-Use Residential and Commercial Development)”;
- 3) Adopt a resolution entitled, “A Resolution of the Planning Commission of the City of Westminster, Recommending that the Mayor and City Council Adopt the Westminster Mall Specific Plan (Mixed-Use Residential and Commercial Development).”

Planning Manager, Steve Ratkay, introduced staff members and consultants that were part of the Westminster Mall Specific Plan process and present at the meeting to support the Plan and provide assistance as needed during the meeting.

Assistant City Manager Adolfo Ozaeta provided an overview of the Westminster Mall Specific Plan. He stated that the Specific Plan process started all the way back in 2016 when the City adopted the General Plan. He provided the history of the specific plan process, the numerous public meetings, the interactions with both City of Westminster residents and the nearby residents of Huntington Beach, and the interactions with the landowners of the Mall site.

Planning Consultant Wendy Nowak provided a PowerPoint presentation to the Commission. She provided an overview of the Specific Plan, the current orientation of the site and buildings, the current landowners, the history of the specific plan, how a specific plan would be used in relation to the mall site, the history of public outreach, a summary of desires from the community, and, the overall use allowances and requirements of the specific plan.

Chair Anderson inquired about the proposed retail preservation portion of the Westminster Mall site and how the area currently proposed retail areas may change. Planning Consultant Nowak explained that the minimum 600,000 square feet of retail will be maintained, but the final shape and/or location of the retail areas on the site

was still to be determined.

CHAIR ANDERSON OPENED THE PUBLIC HEARING.

Reginald Jones, Huntington Beach resident, opined that the location of the hotel should be along the freeway verses along Edwards as proposed. He expressed concern about the density of the proposed residential units in relation to available schools and available public safety services in the area.

Justin McMahon, from JLL, a commercial real estate broker specializing in the leasing and development of shopping centers, and an affiliate of Shopoff. He stated he was very much in favor of a retail and mixed-use project on the site, but asked the Commission to be mindful of not allowing too much retail on the site. He offered that the project needs to be feasible and sustainable in order to find tenants willing and able to pay the rents and felt that a large format retailer like Target, already in place at the Mall, was best suited for the site.

Robert Sternberg, resident of Huntington Beach and the President of the Goldenwest Neighborhood Association, stated he was concerned about density, parking, and building heights. He expressed interest in overall traffic calming measures and changing existing intersections to avoid cut-through traffic and avoid potential overflow parking on nearby Huntington Beach neighborhood streets.

Gordon Jones, from True Life Companies which has partnered with Connie Sillen, stated the 3.6 acre parcel was located where the current Dave's appliance warehouse is on the Mall site. He expressed his gratitude to staff for the process and coordination to bring the Specific Plan forward. He then introduced his colleague, Matt Machasa.

Matt Machasa, Director of Acquisitions and Development for True Life Companies representing the Connie Sillen Property, stated they had a concern with the total retail requirement and was in agreement with the recommendations by Shopoff in a previously submitted letter. He offered that they also had concerns about the Residential Permit Parking (RPP) fee as it was a huge unknown for them and they were unable to calculate the fee. He stated they also had a concern about the required open space as if they exceed 200 housing units, they will be required to build a 3-acre park on their 3.6 acre parcel; adding that they agreed with Shopoff's proposal regarding this matter. The last concern was the language in the Specific Plan requiring ownership coordination and agreement on and new projects within the Specific Plan prior to submitting the project to the City; he felt that language would be more appropriate in a Reciprocal Easement Agreement (REA) instead of within the Specific Plan.

Chair Anderson inquired about the property being 3.6 acres and the requirement to place a 3-acre park on the property. Mr. Machasa responded that as soon as they build more than 200 housing units, it would trigger the open space requirement of 3 acres which would not be feasible; adding that if they constructed less than 200

housing units the requirement would not be triggered.

John Hanna, Southwest Regional council of Carpenters, stated that they had made some written comments and submitted those comments prior to the meeting. He concurred with Shopoff's concern about the amount of retail on the site. He asked the commission to take a look at the retail component and mitigating the impacts of the project. He offered that using a local workforce is one way to mitigate the environmental impacts of construction projects, and stated the data about the mitigation was provided by the South Coast Air Quality Management District. He believed that the project housing should be workforce housing, because local skilled workers cannot afford market housing which forces them to commute.

David Skale, Huntington Beach Resident, identified the following unreasonable burdens for Huntington Beach Residents: Traffic, restricted access to the mall and use of freeway offramps, potential increased crime, and potential overflow parking from the site with restrictive parking measures not being a solution since it further restricts the rights of nearby property owners and their enjoyment of their neighborhood. He asked that the plan be, 1) scaled back to a level that does not impose on the quality of life of surrounding neighbors, 2) continue allowing direct access into the site, 3) that the City partner with the Huntington Beach Planning Department to avoid bias and come up with solutions for your Huntington Beach neighbors.

Lisa Callahan, representing Washington Prime Group. She stated that Washington Prime owns 60% of the Westminster Mall site and work was still required on the retail preservation piece of the plan to make sure that the required retail components have an equitable distribution among the land owners. She stated that the current phasing plan is also set up in a way that will create conflict with the land owners and she would like to find a way to work through the phasing seamlessly. She states that they know that retail should remain on the site, but opined that we should be looking at the quality of the retail not the quantity.

Adam Wood, Huntington Beach resident with the Building Industry Association, stated this was a golden opportunity to maximize this 100-acre site. He offered that housing component was often a lower traffic impact than retail sites. He wondered if a feasibility study or a marketing analysis had been done for the 10% affordability requirement of housing units and if that analysis had been put into the Housing Element as a possible housing constraint, but stated that he would follow up with staff on that item. He concluded by offering his support for the project.

Ken Hira, President of Kosmont Companies, working on behalf of the Shopoff group, offered that Kosmont Companies have completed a high-level retail evaluation specific to the mall and the nearby trade area. He shared some data analytics about the trends. He offered that we are in the middle of a land use revolution and a reimagining of retail, where brick and mortar stores and malls are facing some fundamental changes. He provided details of how much retail is available per capita in the nearby area and across the United States, and offered that the nearby

competition of the Bella Tera Shopping Center in Huntington Beach would be a factor in the viability of retail at the Westminster Mall. He concluded, on behalf of Shopoff, they wanted to stress the importance of retail at the Westminster Mall being right-sized.

Holly Margulies, Westminster resident since 1972, stated she was concerned about the proposed density and possible increase in traffic congestion. She was disappointed that Best Buy would be leaving the Westminster Mall. She preferred limited building height, more parks, and cultured areas to be incorporated in the plan.

Stephen Logan, Senior Vice President with Shopoff Realty Investments, stated that he felt that the City had not allowed Shopoff to include their ideas about how to best use the Mall site in the preparation of the final Westminster Mall Specific Plan document. He offered that more retail was not better, but that great retail was better and that no economic study had been done about the requirement for 600,000 square feet of required retail noted in the Specific Plan. He concluded with the wish for staff to come back to the table and re-consider Shopoff's vision for the Specific Plan.

Chair Anderson Also inquired how long Shopoff owned property at the Westminster Mall and what Mr. Logan meant when he stated a distribution center would be better. Mr. Logan responded that they purchased the former Sears property back in June 2022 and that they have owned the current Macy's property since August 2022. He explained that a distribution center would be a better sales tax generator because products bought in Westminster means that sales tax would go to Westminster.

Blair Ruffner, Senior Development Manager with Shopoff Realty Investments, stated that they were at an impasse with staff regarding their company objectives for the Westminster Mall site. He felt that 600,000 square feet of retail and a hotel was entirely too much, where about 300,000 square feet of retail was a target that was attainable. He also thought the park spaces should be allowed to be placed organically through paseos and gathering spaces verses the proposed contiguous park space. He offered that digital billboards could offer some additional profit sharing for the City and should be included in the plan. He also stated that some quick sale/fast food establishments should be included in the plan.

Chair Anderson inquired what Mr. Ruffner would propose if the 600,000 square feet of required retail was reduced to 300,000 square feet. Mr. Ruffner stated that he would propose to place much needed housing in that space. He also offered his ideas for the retail space could be food uses along the open space to enhance the pedestrian experience or possibly a fulfillment center like an Amazon or big box retail location with architecture that was visually pleasing.

Natalie Schuman, representing Unite Here Local 11, stated the Specific Plan did not do enough to ensure residential units built commensurate with non-residential components like the hotel and retail. She offered that the projects 10% requirement for affordable units may be inadequate in light of the City's recent RHNA obligations.

She stated that the project's Environmental Impact Report (EIR) admits significant adverse environmental impacts to air quality, traffic, and greenhouse gasses but did not use all mitigation measures offered by various environmental agencies; and, park requirements in the Specific Plan were insufficient and lacked the same requirement of the General Plan without any noted mitigation in the EIR. She concluded that the project, as currently drafted, and the EIR do not go far enough and she asked that the City reject approvals at this time.

Kerrilynn DeHart, Huntington Beach resident living on the Edwards Street side of the Westminster Mall, stated she wanted to know where the new residents were going to park, she opined that nearby streets would be overflow parking for the new development since a parking plan was not clearly defined. She felt that building height should be shorter next to existing residential homes, while the tallest buildings should be placed near the freeway. She stated her tract was heavily impacted from school traffic in the morning and the afternoon.

Brian Brown, stated he understood the concern from people in Huntington Beach about parking, but he offered that a well-designed parking structure, similar to the structure by the Westminster courthouse could provide ample parking. He added that the State of California is in desperate need of housing and felt that the number of units proposed in the Specific Plan was not enough, adding that the site could support more housing units. He opined that the best option for housing would be to include an owner-occupied housing restriction, to keep potential investors away from buying up all the units.

Lejarie Noguchi, resident of Huntington Beach, stated that she was concerned about the Mall being developed as an outdoor mall, adding that she enjoyed utilizing the indoor malls to get away from either the heat or the rain. She hoped that if the Mall is developed with outdoor spaces that some thought would be given to seating, trees, some cover or protection from the weather, and shade.

CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Discussion ensued regarding height of the proposed hotel at the corner of Bolsa Avenue and Edwards Street, park and open space requirements, the retail requirement and configuration, affordable housing, parking and traffic which will be looked at in more detail as future projects are submitted, the future project phasing, green building, Senate Bill 743, the amend ability of the Specific Plan in the future, the 405 freeway construction, and some history on other development projects within the City.

Motion: It was moved by Chair Anderson, and seconded by Vice Chair Pham, to adopt three resolutions recommending that the City Council, 1) Certify the Environmental Impact Report (State Clearing House #201900444) associated with Case No. 2019-201; 2) Approve an amendment to the General Plan regarding the Westminster Mall Specific Plan; 3) Adopt the Westminster Mall Specific Plan; And,

approving recommended text edits from the Comments Matrix and directing staff to continue to work with property owners regarding the configuration of the retail overlay. The motion carried (4-0) with the following vote:

AYES: ANDERSON, A. NGUYEN, PHAM, VU-NGUYEN
NOES: NONE
ABSENT: Q. NGUYEN
ABSTAIN: NONE

At this point in the meeting, the broadcast (video and audio) ended, the written minutes from this point forward are the only record for the remainder of the meeting.

9. REGULAR BUSINESS - None

10. REPORTS – None

11. MATTERS FROM STAFF

Planning Manager Ratkay offered his gratitude to staff, consultants, and the Commission for efforts from the entire group to make this meeting successful. He also offered that the next meeting on November 16, 2022 may be cancelled for lack of business.

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

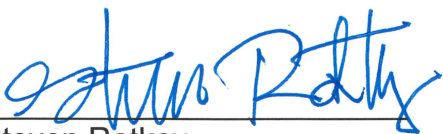
There were no comments.

13. ADJOURNMENT

The meeting was adjourned at 9:05 p.m. to a regular meeting on Wednesday, November 16, 2022 at 6:30 p.m.



Don Anderson
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Stevens
Senior Administrative Assistant