



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
March 1, 2023
6:30 p.m.**

1. PLANNING COMMISSION ROLL CALL:

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

PRESENT: ANDERSON, A. NGUYEN, VU-NGUYEN

ABSENT: Q. NGUYEN, PHAM

STAFF PRESENT:

Steven Ratkay, Planning Manager; Christopher Wong, Senior Planner; Alice Tieu, Associate Planner; Steven Cook, Planning Technician; Michael Son, Housing Specialist; Russell Miyahira, Deputy City Attorney; Shelley Stevens, Senior Administrative Assistant.

CONSULTANTS PRESENT:

Amanda Tropiano, Planning Consultant from DeNovo Planning Group.

2. SALUTE TO FLAG

Planning Manager Ratkay led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Ratkay reported that there was one late communication and two written communications regarding item 8.1.

4. EX PARTE COMMUNICATIONS

Chair Anderson reported discussing item 8.1 with the City of Westminster planning staff prior to the meeting. There were no other reports.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

There were no speakers wishing to address the Planning Commission for Oral Communications.

7. APPROVAL OF MINUTES – August 17, 2022; October 19, 2022; and November 2, 2022.

Motion: It was moved by Chair Anderson, and seconded by Commissioner Vu-Nguyen, to approve the minutes of August 17, 2022, October 19, 2022, and November 2, 2022 as presented. The motion carried (3-0) with the following vote:

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

Senior Administrative Assistant Stevens noted for the record that the October 19, 2022 minutes had been before the Commission previously, however a very large typo encompassing an entire section that was incorrect. Therefore, she stated, they were brought back for review.

8. PUBLIC HEARINGS

8.1 2019-201 Amended (2021-2029 Housing Element Update – General Plan Amendment)

Location: Citywide

Applicant: City of Westminster

Project Planner: Alice Tieu, Associate Planner

PROJECT DESCRIPTION: The City Council adopted the City’s 2021-2029 Housing Element and associated environmental review document (Addendum to the Final Environmental Impact Report for the Westminster General Plan 2016) on January 26, 2022. Pursuant to State Housing Law, the adopted Housing Element was submitted to the California Department of Housing and Community Development (HCD) for review. The City proposes minor amendments to the adopted Housing Element in response to HCD’s comments.

CEQA COMPLIANCE: Pursuant to the California Environmental Quality Act (CEQA) and the City’s Guidelines for the Implementation of CEQA, the City previously approved an Addendum to the Final Environmental Impact Report for the Westminster General Plan 2016 for the 2021-2029 Housing Element Update – General Plan Amendment on January 26, 2022.

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 2021-2029 Housing Element Update, Case No. 2021-0229 Amended.”

Planning Consultant Amanda Tropiano provided a PowerPoint presentation to the Commission. She offered that she was aware of public concern over the highlighted segments of the document. She explained that the highlights and colors were clear on the original version, but when tracked changes and some revisions were made the colors became less clear to read. She stated that alternate highlights had been provided as a late communication and the website had been updated, but she also provided a summary of each change to the Commission during her presentation.

Planning Manager Ratkay stated one of the two written communications received for item 8.1, pertained to the methodology involved in preparing the Regional Housing Needs Assessment (RHNA) and the breakdown of income levels. The person who wrote offered comments about what she believed we should have done during the assessment. However, we followed HCD's requirements and methodology precisely and HCD has not returned any comments about the income level breakdown during our multiple submittals to them. The second written communication pertained to the highlighted portions of the document being difficult to read. Ms. Tropiano has already addressed this item during her presentation.

Further discussion ensued about the process, public access to documents, and the legal requirements for the Housing Element.

CHAIR ANDERSON OPENED THE PUBLIC HEARING. THERE BEING NO MEMBERS OF THE PUBLIC WISHING TO COMMENT, CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Commissioner Vu-Nguyen inquired if parking restrictions can be added to any accessory dwelling units (ADUs). Planning Manager Ratkay explained that the State regulations have eliminated parking requirements for ADUs when constructed within a certain proximity of public transit.

Chair Anderson complemented staff and the City's consultant in preparation of the Housing Element amendment. He stated the document was well laid out and easily comprehended. He added that he was pleased with the presentation and the amended document.

Motion: It was moved by Chair Anderson, and seconded by Commissioner Vu-Nguyen, to 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 2021-2029 Housing Element Update, Case No. 2021-0229 Amended."

The motion carried (3-0) with the following vote:

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

8.2 2022-0298 (General Plan Land Use Amendment and Revocation of Conditional Use Permit C-816)

Location: 14800 Hoover Street

Assessor's Parcel Numbers: 096-191-17

Applicant: James Pugh, Sheppard Mullin

Property Owner: Robert Dowson, SCI California Funeral Services

Project Planner: Christopher Wong, Senior Planner

PROJECT DESCRIPTION: A request for a General Plan Land Use Map Amendment to re-designate a portion (approximately 17.3 acres) of the approximately 156-acre Westminster Memorial Park and Mortuary site from 'Park/Open Space' to 'Public/Semi-Public.' No construction or development is proposed in connection with the requested land use amendment. Concurrent with the General Plan Amendment, the City has initiated a revocation of Conditional Use Permit C-816, which authorized a golf driving range as an interim use on the subject 17.3-acre portion of the Westminster Memorial Park and Mortuary site.

CEQA COMPLIANCE: The proposed project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and the requirements of the City and has been deemed to be exempt from CEQA analysis under Section 15321, Class 21 (Enforcement Actions by Regulatory Agencies) and based on the commonsense exemption (Guidelines Section 15061(b)(3)).

The revocation of a Conditional Use Permit is exempt under Section 15321, Class 21 which specifically exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. In this case, the revocation of the Conditional Use Permit for a golf driving range falls squarely within the Class 21 exemption.

The commonsense exemption applies to projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The GPA would merely permit cemetery uses on the project site identical to the cemetery uses that currently exist and were previously allowed on all portions of the site. Because Government Code Section 65860 requires a city's zoning ordinance to be consistent with the General Plan, and because no construction or development would be proposed in connection with the GPA, there is no reasonable possibility of environmental thresholds being exceeded for traffic, air quality, greenhouse gases, etc., and no possibility that the GPA would have a significant effect on the environment.

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 Revoking Conditional Use Permit C-816, which authorized a golf driving range on Property Located at 14800 Hoover Street (Assessor's Parcel Number 096-191-17)", 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 a General Plan Land Use Map Amendment to re-designate a portion (approximately 17.3 acres) of the approximately 156-acre Westminster Memorial Park and Mortuary site from 'Park/Open Space' to 'Public/Semi-Public' on Property Located at 14800 Hoover Street (Assessor's Parcel Number 096-191-17)".

Planning Technician Steven Cook provided a PowerPoint presentation to the Commission.

CHAIR ANDERSON OPENED THE PUBLIC HEARING.

James Pugh, land use attorney and project applicant, offered a Power Point Presentation to the Commission covering project background, site location, recommended City actions, and stated he was available to answer any questions.

Chair Anderson inquired when there may be some activity on the site in the event this request was approved. Mr. Pugh stated that the owners don't have any developments scheduled and added that it was more of a capacity issue. He offered that the Zoning inconsistency with the General Plan created an incapacity and precluded the owner from using the land for any future developments without the revocation and General Plan Amendment.

Chair Anderson inquired about the fencing planned for the site while it is awaiting development.

Jeff Gibson, property owner, stated the site location currently has chain link fencing with the green border on it. Chair Anderson offered that he realized the fencing was not part of the case before the Commission, but he opined that if the land were to be vacant for a number of years that the cemetery may wish consider replacing the chain link fencing to a material that was more aesthetically pleasing.

THERE BEING NO OTHER SPEAKERS, CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Motion: It was moved by Chair Anderson, and seconded by Commissioner A. Nguyen, to adopt a resolution entitled, "A Resolution of the Planning Commission of the City of Westminster Revoking Conditional Use Permit C-816, which authorized a golf driving range on Property Located at 14800 Hoover Street (Assessor's Parcel Number 096-191-17)," and, to adopt a resolution entitled, "A Resolution of the Planning Commission of the City of Westminster Recommending that the Mayor and City Council approve a General Plan Land Use Map Amendment to re-designate a portion (approximately 17.3 acres) of the approximately 156-acre Westminster Memorial Park and Mortuary site from 'Park/Open Space' to 'Public/Semi-Public' on Property Located at 14800 Hoover Street (Assessor's Parcel Number 096-191-17)." The motion carried (3-0) with the following vote:

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

9. REGULAR BUSINESS - None

10. REPORTS – None

11. MATTERS FROM STAFF

Planning Manager Ratkay offered his gratitude to staff, consultants, and the deputy City attorney for their efforts in preparing and coordinating materials for the meeting; and, he thanked the planning commissioners for their commitment and service to the City.

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

Chair Anderson thanked staff, adding that it was a privilege and an honor to serve the community. There were no other comments.

13. ADJOURNMENT

The meeting was adjourned at 7:26 p.m. to a regular meeting on Wednesday, March 15, 2023 at 6:30 p.m.



Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:

Shelley Stevens

Shelley Stevens
Senior Administrative Assistant