



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
May 3, 2023
6:30 p.m.**

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, BUI, HAMADE, POWER, WOLBERT

PRESENT: ANDERSON, BUI, HAMADE, POWER, WOLBERT
ABSENT: NONE

STAFF PRESENT:

Steven Ratkay, Planning Manager; Adolfo Ozaeta, Assistant City Manager; Christopher Wong, Senior Planner; Sandie Kim, Associate Planner; Michael Son, Housing Specialist; Russell Miyahira, Assistant City Attorney; Shelley Stevens, Senior Administrative Assistant.

2. SALUTE TO FLAG

Chair Anderson led the salute to the flag.

3. ELECTIONS OF CHAIR AND VICE CHAIR

Nominations for Chair: Bui and Anderson

Commissioner Bui to serve as Chair, nominated by Commissioner Hamade

AYES: BUI, HAMADE, WOLBERT

Commissioner Anderson to serve as Chair, nominated by Commissioner Power

AYES: ANDERSON, POWER

COMMISSIONER BUI CONFIRMED TO SERVE AS CHAIR FOR THE UPCOMING TERM

Nominations for Vice Chair: Anderson and Hamade

Commissioner Anderson to serve as Vice Chair, nominated by Commissioner Power

AYES: ANDERSON, POWER

Commissioner Hamade to serve as Vice Chair, nominated by Chair Bui

AYES: BUI, HAMADE, WOLBERT

COMMISSIONER HAMADE CONFIRMED TO SERVE AS VICE CHAIR FOR THE UPCOMING TERM

Discussion ensued regarding the seating of commissioners on the dais in relation to the new positions. Chair Bui stated he wished to remain in the seat he currently occupied on the dais and wished that Commissioner Anderson continue to lead the remainder of this meeting. He added that he would assume the role of Chair at the next meeting.

4. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Ratkay reported that there were no late communications.

5. EX PARTE COMMUNICATIONS

Commissioner Anderson reported visiting the site of 9.2, but, did not speak to anyone. Chair Bui reported visiting the site of 9.2, but, did not speak to anyone.

6. SPECIAL PRESENTATIONS - None

7. ORAL COMMUNICATIONS

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

8. APPROVAL OF MINUTES – March 1, 2023

Motion: It was moved by Commissioner Anderson, and seconded by Vice Chair Hamade, to approve the minutes of March 1, 2023, as presented. The motion carried (5-0) with the following vote:

AYES: ANDERSON, BUI, HAMADE, POWER, WOLBERT
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

9. PUBLIC HEARINGS

9.1 2020-1158 Variance (to be continued to a future date)

Location: 7811 & 7813 11th Street

Assessor's Parcel Number: 096-353-20

Applicant: Peter Tran

Project Planner: Memnon Torio, Assistant Planner

PROJECT DESCRIPTION: An application involving a variance request for a five-foot side yard setback on the westerly interior side yard of a proposed two-story residential duplex. The Westminster Municipal Code (WMC) section 17.210.015 requires a seven-foot side yard setback for two-story structures. This hearing will be continued to a future date due to notice posting requirements not being fulfilled.

RECOMMENDATION: Staff recommends that the Planning Commission receive and file the report.

Planning Manager Ratkay explained that the applicant was unable to comply with the mandated notification requirements as stated in the Westminster Municipal Code, therefore, this item will be re-noticed and scheduled for a public hearing at a later date. He added that no action was required.

The Planning Commission received and filed the report with no action taken.

9.2 2022-0370 (Conditional Use Permit & Development Review)

Location: 8291 Westminster Boulevard

Assessor's Parcel Number: 097-401-25

Applicant: Cuong (Larry) Nguyen

Project Planner: Sandie Kim, Associate Planner

PROJECT DESCRIPTION: A request to establish an elderly day health care center within an existing two-story commercial building and make minor site improvements to the subject parcel.

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. 2022-0370, a Conditional Use Permit to establish an elderly day health care center and a Development Review to improve the project site located at 8291 Westminster Boulevard. (Assessor's Parcel Number 097-401-25).

Vice Chair Hamade and Commissioner Wolbert inquired if the site had adequate parking, and, if future parking needs were considered in relation to a possible future second story tenant. Associate Planner Kim explained that the site had a surplus of eight parking spaces above the required 71 spaces. So, there was ample parking for this project and a possible future second story tenant.

Chair Bui inquired if the enrollment was open to all people without discrimination, inquired about site safety, and inquired about hygiene conditions for the location. He added he was really concerned about City liability if a Conditional Use Permit was granted. Planning Manager Ratkay addressed the safety concerns by stating that visitors would not be coming to the site. He further explained that health and safety issues are regulated through other agencies such as the State of California and the health department which require that the facility complies with various regulations that reside outside of the land use authority of the planning commission.

COMMISSIONER ANDERSON OPENED THE PUBLIC HEARING.

Ramin Tasbihchi, stated he was present to represent the applicant as part of the architecture and design team.

Luke Tharasri, stated he was the Chief Operating Officer of 360 PACE. He provided a PowerPoint presentation to the Commission explaining what services the facility will offer to the community.

Vice Chair Hamade inquired if only Westminster Residents will be served at the facility and if interpreters would be available. Mr. Tharasri stated the facility would also serve other nearby communities as well as Westminster and hiring multi-lingual staff members was part of their hiring process.

Chair Bui expressed concern with the layout of the site. He felt there were too many tables and not enough areas to provide resting spaces for the patrons. Mr. Tasbhichi offered that the proposed day room had removable tables to accommodate various activities throughout the day, but they also proposed dedicated quiet rooms in the facility design.

Commissioner Power stated he had an interest in culturally competent care especially with such a diverse community as Westminster. He inquired if the facility had anything additional to offer culturally besides language interpretation. Mr. Tharasri offered that the artwork, menus, and food offerings will also be diverse.

Larry Nguyen, Chief Operating Officer of 360 Pace and owner of the facility, responded to an earlier question and stated that first time in the City the first PACE program in Westminster. Commissioner Anderson inquired if Mr. Nguyen was a physician. Mr. Nguyen stated that he was not, but another partner on the team was a physician.

Arnold Possick, representing 360 PACE, stated he had 30 years' of experience focused on healthcare management for the elderly population. He provided some history on the PACE program and explained that PACE is very heavily regulated by the department of healthcare services. He added that the facility actually had to have both state and federal approval to operate.

Chair Bui was concerned about traffic congestion and the possibility of accidents within the facility parking lot. He asked that the plan get reviewed by the City's Traffic Commission. Mr. Tasbihchi offered that they have two-way traffic flow into and out of the site. He further explained that the transport vans would be doing their loading and unloading of patrons closer to the rear of the parking lot. He said the van locations were specifically chosen to avoid additional congestion on the site. Planning Manager Ratkay stated that this project was involved in a comprehensive, multi-department review process prior to bringing it to the Commission for consideration. He added that the review included the City's Engineering and Traffic Divisions who didn't have any problem with the proposed use or the traffic flow on the site.

THERE BEING NO OTHER SPEAKERS AND NO NEED FOR REBUTTAL, COMMISSIONER ANDERSON CLOSED THE PUBLIC HEARING.

Discussion ensued regarding required landscaping for the site, existing landscaped planters on the site, interior security, HIPAA (Health Insurance Portability and Accountability Act) laws in relation to interior security monitoring, alarms for the exterior doors, exterior security for the facility, and the land use authority of the Planning Commission.

Motion: It was moved by Vice Chair Hamade, and seconded by Commissioner Anderson to adopt a resolution entitled: "A Resolution of the Planning Commission of the City of Westminster Approving Case No. 2022-0370, a Conditional Use Permit to establish an elderly day health care center and a Development Review to improve the project site located at 8291 Westminster Boulevard. (Assessor's Parcel Number 097-401-25); adding the following conditions: 1) Adding concrete curbing to all the existing landscaped areas and, 2) Adding exterior security surveillance cameras to the facility. The motion carried (5-0) with the following vote:

AYES:	ANDERSON, BUI, HAMADE, POWER WOLBERT
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

10. REGULAR BUSINESS - None

11. REPORTS – None

12. MATTERS FROM STAFF

Planning Manager Ratkay asked the commissioners to inform staff ahead of the meeting if they were unable to attend a future scheduled meeting. He also offered his gratitude to the Commission for their hard work, dedication, and devotion to the City. He additionally thanked staff for their efforts in making the meetings run smoothly.

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

Chair Bui offered his appreciation to everyone for the nomination and vote to serve as Chairman of the Planning Commission for the upcoming term. He stated he would lead the next meeting and offered his gratitude to Commissioner Anderson for leading tonight's meeting.

Vice Chair Hamade offered that he was happy to be on the Planning Commission and hoped to be able to make the City better with every approval.

Commissioner Anderson agreed with Vice Chair Hamade and offered that improvement is incremental and every project had a potential impact to the City. He stated that there were a lot of good questions asked during the meeting and he felt that by analyzing each project before the Commission would make it the best possible for the community.

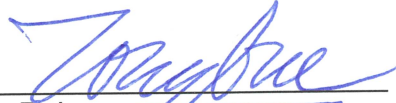
Commissioner Wolbert thanked his fellow commissioners, the applicant for item 9.2 for bringing the project to the City, and the Planning Division for all their hard work on item 9.2.

Commissioner Power offered that he was pleased to be on the Planning Commission, and, stated that he knew there was a lot of hard work to come. He thanked staff for the hard work they put into the project. He offered congratulations to the new officers, Chair Bui and Vice Chair Hamade, he knows they will do a fantastic job.

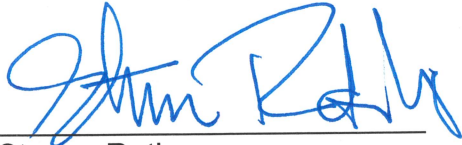
Chair Bui offered his gratitude to Commissioner Anderson for serving as the Planning Commission Chair in the past several years. He added that he hoped to learn from Commissioner Anderson and solicited any corrections that Commissioner Anderson wished to share. Commissioner Anderson stated that the Planning Commission was a team and he was happy help in any way, he added that he was also happy to pass the chairman duties to Mr. Bui for the upcoming term.

13. ADJOURNMENT

The meeting was adjourned at 7:47 p.m. to a regular meeting on Wednesday, May 17, 2023 at 6:30 p.m.



Tony Bui
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Stevens
Senior Administrative Assistant