



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 21, 2016
6:30 p.m.**

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, MANZO, NGUYEN, RICE, AND VO

PRESENT: ANDERSON, MANZO, NGUYEN, RICE, AND VO

ABSENT: NONE

STAFF PRESENT:

Steve Ratkay, Associate Planner; Shelley Dolney, Administrative Assistant; Vicki Morgan, Code Enforcement Manager; Margie L. Rice, Council Member

2. SALUTE TO FLAG:

Chair Anderson led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Associate Planner Ratkay stated there were three items, the first was a letter related to item 8.1, the second was a PowerPoint presentation related to item 10.1, and the third was a municipal code section from the City of Riverside and was related to item 10.3 on the agenda.

4. EX PARTE COMMUNICATIONS

Commissioner Nguyen confirmed he had communication individuals connected with item 8.1, he did not specify with whom he had communication. Commissioner Vo stated he visited the site for item 8.1.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS - None

7. APPROVAL OF MINUTES – August 17, 2016 and August 31, 2016

Motion: It was moved by Vice Chair Manzo, and seconded by Commissioner Vo, to approve the Planning Commission meeting minutes of August 17, 2016. The

motion carried (5-0) with the following vote:

AYES: ANDERSON, MANZO, NGUYEN, RICE, VO
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Administrative Assistant Shelley Dolney stated there was a small change to the distributed August 31, 2016 minutes; the title of the minutes distributed showed that a regular meeting was held, when in fact the meeting was an adjourned regular meeting. She stated the final minutes will reflect the change in title.

Motion: It was moved by Commissioner Rice, and seconded by Vice Chair Manzo, to approve the Planning Commission meeting minutes of August 31, 2016. The motion carried (5-0) with the following vote:

AYES: ANDERSON, MANZO, NGUYEN, RICE, VO
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

8. PUBLIC HEARINGS

8.1 Case No. 2015-58 (General Plan Amendment, Zone Map Amendment, Comprehensive Plan, Affordable Housing Density Bonus and Mitigated Negative Declaration)

Location: 14041, 14051, and 14061 Locust Street (APN #'s 096-101-30, 096-101-31, and 096-101-32)

Applicant: Faircrest Real Estate, LLC

Project Name: Greenfield Residential Project

A request for a General Plan Amendment (GPA), Zone Map Amendment (ZMA), Comprehensive Plan (CP), Affordable Housing Density Bonus and Mitigated Negative Declaration (MND) to:

- 1) Amend the General Plan land use designation for the three subject parcels from "General Commercial" to "Residential High Density;"
- 2) Amend the zoning district designation for three subject parcels from C2 (General Business) to R5-PD (Multiple Family Residential 15 to 25 Units/Acre – Planned Development Overlay); and
- 3) Develop the site with 50 multiple-family residences, which includes a density bonus pursuant to California Government Code Sections 65915 through 65918

CEQA COMPLIANCE: The proposed matter was determined not to be Categorical Exempt and pursuant to Section 15063 (d)(3) of the Guidelines for Implementation of the California Environmental Quality Act and an environmental Initial Study and

Mitigated Negative declaration have been prepared.

RECOMMENDATION:

- 1) Recommend to the Mayor and City Council the adoption of a Mitigated Negative Declaration for the Greenfield Residential Project; and
- 2) Recommend to the Mayor and City Council approval of the requested GPA, ZMA, CP and affordable housing Density Bonus

Associate Planner Steve Ratkay provided a presentation to the Commission. He discussed the request in detail and outlined the reasons for the request of a General Plan Amendment, Zone Map Amendment, Comprehensive Plan, and Affordability Housing Density Bonus. Associate Planner Ratkay stated that staff had received two written communications for the project, the first being from the property owner of the McDonald's property to the west. The letter is neither in favor or opposed to the project, but shares a concern related to the noise generated by his operation and asks that the noise be addressed for the residents through some sort of mitigation. The letter additionally asks that the applicant consider issuing some sort of disclosure document to potential tenants indicating that they will be living next to a 24-hour operation. The second written communication is a letter of opposition which opposes the density and the affordability aspect of the project. Mr. Ratkay offered if the new General Plan is adopted as scheduled on September 28, 2016, it would actually allow 35 units per acre which is a higher density than the current proposal; additionally, the revised affordability component (density bonus) it is a requirement of state law.

Vice Chair Manzo inquired about the affordability housing density bonus of five low income or two very low income units are determined. Mr. Ratkay responded that the applicant would determine which units will be offered.

Commissioner Vo asked if the applicant had considered a condominium project. Associate Planner Steve Ratkay responded that the applicant did not plan for condominiums as an alternative since it would be a very different process including a tentative map for ownership, so the proposal is for rental units only. Commissioner Vo then inquired about the mixed use designation on the new general plan. Associate Planner Steve Ratkay explained that the mixed use designation allows for a property to have a mix of commercial and residential uses or one sole use, like the project presented tonight.

Chair Anderson mentioned there was one additional late communication received. A letter in favor of the project was handed to the administrative assistant this evening and it is from an adjacent business owner at 14036 Goldenwest Street, however the signature was illegible.

CHAIR ANDERSON OPENED THE PUBLIC HEARING AND ASKED THOSE IN FAVOR TO SPEAK.

Steve Jones, project manager representing Faircrest Real Estate, LLC, stated the proposal is to transform the blighted, vacant, approximately 1.8 acre site, into a multi-family residential community called Greenfield Apartments. Consisting of 50 rental units including an affordable housing component in accordance with the California Density Bonus Law. He further described the site layout, site location, proposed materials, and project in detail. He stated this project is similar to a project they have built previously and showed samples of similar projects in Garden Grove and Buena Park. He addressed the concerns from the adjacent McDonald's owner stating that a lease amendment might be used to disclose to potential tenants the possibility of noise by surrounding uses. He provided a copy of the proposed draft lease amendment for the Commission's review.

Commissioner Rice inquired if the windows facing McDonalds are proposed to be double pane windows. Mr. Jones confirmed double pane windows are proposed.

Chair Anderson inquired about air conditioning, the interior courtyard barbeque, and play equipment. He wanted to know if the detail was so small that it is unable to be seen on the site plans. Mr. Jones directed the Commission to look at the larger examples of the Courtyard pictures displayed on the wall at the meeting. He provided an explanation of where the equipment would be located, however, confirmed the detail is too small to show on the site plans. In response to Chair Anderson's question about total population of the project, Mr. Jones stated that they have not calculated out the possible population of the project as of yet, but provided a rough estimate of 150 people. Chair Anderson asked if the materials shown on the renderings and material boards would be on the finished project and if applicant would be willing to add additional pop outs to the elevations on page A1.18. Mr. Jones affirmed additional pop outs could be added and the detail shown in the renderings and plans will be built as proposed.

Vice Chair Manzo inquired if the air conditioning units can be moved to the roof. Mr. Jones stated there was a lot of thought and sensitivity into the placement of the air conditioning units into locations that will be aesthetically pleasing and allows access for servicing the units which is sometimes problematic on a third story rooftop.

Donna Chessen, consultant from Chessen, Stone, and Associates, representing the applicant, stated she worked on the project's community relations. She added that she visited all the local residences and businesses to talk to them about the project. She stated she left her name and number for all the neighbors to contact her if they had any questions.

Melissa Doan, Westminster resident living on Brentwood Lane, adjacent to the proposed project, she stated she was in favor of the project as it will improve the scenery of Locust Street. She had two small concerns and wanted to ask the project manager about the impact of the entrance to the project. (Note: Ms. Doan experienced difficulty with the audio due to her close proximity to the microphone, she was unable to complete her questions since had exhausted her allotted three minutes. She stated

she would write down her question for the Commission to ask the project manager on her behalf, but she did not provide any questions in writing to the Planning Commission).

Chuck Steichen, President of LSA Architecture, representing the applicant, he wanted to introduce himself and let the Commission know he was present for any questions.

Vice Chair Manzo inquired again about placing air conditioning units the roof. Mr. Steichen stated that a lot of open space was created for this project and in order to do that and create less mass they have very narrow buildings. He said when the building is narrow, it is problematic to create a 30-inch minimum parapet necessary to screen the equipment and they would not be left with much of a well. They tried really hard to move the air conditioning units to non-living corridors where they could. When we try reduce building mass and create smaller friendly buildings, little issues like this come up.

Travis Vincent, project civil engineer, introduced himself and let the Commission know that he was present to answer any questions.

Randy Wood, representing the owners of the adjacent coin-op carwash, stated they also have concerns, similar to McDonald's, about the noise generated by their operation. The owners of the carwash would like to make sure the tenants are aware of the potential noise generated by the business. He stated he was concerned about relaxing the parking requirements and asked the Commission to consider the impact to local residences and businesses. He stated the grade level of the subject property is much lower than the carwash property which doesn't allow for a very tall wall and there is a lot of undesirable foot traffic currently from people crossing over the wall between the vacant property and the carwash property. He asked the Commission to consider a taller wall and possibly a wrought iron top if the project is approved.

Chair Anderson inquired about the requirement for block walls where the grading is at different heights asked to confirm if the measurements are taken from the highest grade. Associate Planner Steve Ratkay confirmed Chair Anderson is correct, the wall height is determined by the finished grade. He additionally explained that where a commercial property adjoins a residential property, the commercial property can have a wall up to a height of eight feet.

Adan Munoz, Westminster resident living on 21st Street, stated he is glad to see this project coming to the area to provide assistance for the lower income families and wanted to come to support the project.

CHAIR ANDERSON NOW ASKED THOSE IN OPPOSITION TO SPEAK

Rosalind Rawlings, Westminster resident living on Brentwood Lane south of the proposed project, representing the Brentwood Home Owners Association, stated she has been a resident on Brentwood Lane since 1986. She said that she has seen a lot

of positive and negative things over the years, but mostly positive. She was concerned about that large of a complex being built on 1.8 acres, she realized it is going to help the area but parking will be a problem. She stated that the Brentwood Home Owner's Association has taken ownership of cleaning up the trash in that area and having so many people moving into a nearby complex may cause more trash. She added that she is on the Board of Directors for the Brentwood Home Owners Association and takes a lot of pride in that area.

Tram Le, Westminster resident living on Brentwood Lane, stated her backyard is right by the project parking lot. She was concerned that people can jump over the fence to her backyard. She added that with so many people living there it will cause more cars and more traffic. She was also concerned there would be increased criminal activity due to the low income housing, the noise and dirt during the construction, and the additional noise created by the people living there. She stated the height of the three story building will block the air flow and reduce the value of their homes.

Am Marutani, Westminster resident living on Brentwood Lane, stated she lives right behind the project and is concerned about the noise impact, the movement, the dust, and the construction duration of the project. She stated she feels the movement during construction an feels sick, this happened when other houses were being built in the area. Also, concerned about only having one entrance with so many people, she believed traffic and noise would increase. She stated she wished the proposed project was only two stories, she felt three stories will block the sun, air, and impede their privacy. Additionally, she had concerns about noise from the dumpster being so close to her property and the noise from all the people since so many people will live in the complex.

CHAIR ANDERSON NOW ASKED IF ANYONE IN FAVOR WISHED TO SPEAK IN REBUTTAL

Steve Jones stated they want to be good neighbors, not only through the construction phase but after the project is built as well. Per the Code requirement, they are required to have 82 parking spaces, but they have provided 84 parking spaces. Regarding clean up concerns, he offered the management team has on-site managers and gardeners who keep things very tidy. Regarding noise and dirt during construction, the City has regulations for hours of operation and spraying to keep the dust levels down. We don't want to create nuisances and we will make sure they have our contact number during construction. A concern was raised about people being able to jump over into yards, right against the fence is a solid walled car port which should provide a lot of security for the neighbors. Half way down the carports there is a trash enclosure, but there is a walk around wall so there is no gates to clank to dispose of trash. We had a trip generation count study done by Fehr and Peers to see if there is any impacts related to the site plan layout in terms of cars coming in and out or noise and we don't believe it will cause a significant amount of noise. We already manage a 34 unit complex that is built similarly and don't have problems with that complex. We will be a good neighbor during construction and an ongoing operational basis.

CHAIR ANDERSON ASKED IF ANYONE ELSE WISHED TO SPEAK IN REBUTTAL. THERE BEING NO ADDITIONAL SPEAKERS, CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Vice Chair Manzo, prefers the perimeter wall to be 8 feet tall, including the area where there is no carport. He additionally stated he wanted to restrict construction work to start at 9:00 AM on Saturdays. He stated that although 50 units may seem like a lot and parking may seem deficient, it is the new normal in California no matter what city you visit. He stated it is a nice looking project and he is in favor.

Commissioner Nguyen, thanked the developer for investing in the City and helping to improve Locust Street. He echoed Vice Chair Manzo's comment stating that the impact on traffic is the same everywhere you go, you just need to minimize the traffic where possible. He added that the City is in a financial deficit and more residents are necessary to help the City with local tax; stating if you live in Westminster, you will spend money in Westminster. He opined schools will also benefit with increased attendance.

Commissioner Rice stated she was in favor of additional pop outs, moving the air conditioning units away from the play area to hide them as best as possible, and having the maximum height on the perimeter fence. She stated that a lot of people mentioned low income families living there would bring down the neighborhood and she didn't believe that someone who doesn't have a lot of money has less pride in their home than anyone else; and, the number of low income units is very small for this complex. She inquired if there were only two trash receptacles for the whole building. Associate Planner Steve Ratkay responded that two enclosures are proposed and have been approved by Ken Robbins of the Midway Sanitation District. She stated she thought it was a really great project.

Commissioner Vo stated this project is a great idea and thanked the developer for investing in the City. He hopes it will help change the City of Westminster. In 1957 the City was incorporated with a motto as a City of progress, here it is 2016 and the neighboring cities are passing us by brick by brick. We have the new General Plan with the idea of turning Westminster Boulevard with a downtown area with mixed use buildings. He stated it was very difficult for him to make a decision on having an apartment right in down town where mixed use is proposed on the General Plan. He added that overall the idea and the project is great, he thanked and appreciated the investor and developer for bringing the project to the City.

Chair Anderson stated the role of the Planning Commission is a balancing act to respect the rights of the people already living in the area and to look at the piece of property as it exists today in its blighted state. And, we need to make a decision to put something in that may not be ideal for either party but is better than what is there now. We did receive a written communication from someone who suggested single family residences at four units per acre, but with the price of land and the housing

situation of the day, that is not realistic. The proposed property and management team seem to show based on the proposal presented that they will be good neighbors and manage the property appropriately. Regarding the reduced parking, it is a State mandated requirement under State Law so it is beyond our control. Based on what is there today and other development opportunities of a commercial nature, this is the best that could be on the property and the most compatible for the area. Just to make it clear, the Planning Commission is merely making a recommendation to the City Council, there will be another public hearing before the City Council on October 26th. Chair Anderson stated he would like to add pop outs to page number A1.18 of the site plan; he would like to see three pop outs on Court A and then two more pop outs on court B. He states he would also like to revise the Planning Commission Resolution Condition number 2, changing the word "substantial conformity" to "shall be in conformity with the plans, renderings, and material boards."

Vice Chair Manzo agreed with Chair Anderson regarding the language on the resolution. He stated sometimes we see projects that are not built to the same way they were approved and once it is built, it is hard to get changed. He stated he wanted language added to the resolution about the eight foot wall. Associate Planner Steve Ratkay stated that the development standards from a residential use abutting another residential use is limited to a wall of six feet in height. However, since this is a Comprehensive Plan as well, there may be flexibility through the Comprehensive plan process.

Chair Anderson, inquired if the proposed draft lease agreement can be part of our approval, as a condition of approval. Associate Planner Steve Ratkay stated that it is something they can recommend to the City Council for approval. Chair Anderson suggested that the language of the draft lease agreement be changed to include McDonald's and a self-service car wash.

Chair Anderson and Vice Chair Manzo asked to Steve Jones to confirm if he was ok with adding the additional pop outs previously mentioned and if restricting start time for construction to 9:00 A.M. on Saturdays. Mr. Jones indicated he was ok with both conditions.

Steve Ratkay went over the changes in conditions: Amend condition #2, to strike the word substantial and add conformity with plans, renderings, and material boards. Proposed condition #15, requiring additional pop outs, three on south side of Court A and two on north side of Court B. Proposed condition #16, require an eight-foot high perimeter block wall as part of the Comprehensive Plan Code Exceptions. Proposed condition #17, require the lease agreement to include the notification regarding noise and add the reference to the carwash. Proposed condition #18, prohibit construction work on Saturday starting before 9:00 A.M.

Motion was made by Vice Chair Manzo, and seconded by Commissioner Rice, to recommend to the Mayor and City Council the adoption of a Mitigated Negative Declaration. The motion carried (4-0-1) with the following vote:

AYES: ANDERSON, MANZO, NGUYEN, RICE, VO
NOES: NONE
ABSENT: NONE
ABSTAIN: VO

Motion was made by Vice Chair Manzo, and seconded by Commissioner Rice, to recommend approval of the General Plan Amendment, Zoning Map Amendment, Comprehensive Plan and the Affordable Housing Density Bonus to the Mayor and City Council with the following changes:

Amended condition #2 – striking the phrase “substantial conformity” and add “conformity with plans, renderings, and material board as revised or modified by the approving body.”

Added condition #15 – requiring additional pop outs, three additional on the Court A Elevation of the Site Plan and two additional on the Court B Elevation of the Site Plan (Page Number A1.18)

Added condition #16 – 8 foot high perimeter block wall as part of the Comprehensive Plan Code Exceptions.

Added condition #17 – Require the lease agreement to include the notification regarding noise and include notification about noise from the adjacent McDonalds to the north and the car wash to the west.

Added condition #18 – Prohibit construction work on Saturday before 9:00 AM.

The motion with amended conditions of approval carried (4-0-1) with the following vote:

AYES: ANDERSON, MANZO, NGUYEN, RICE
NOES: NONE
ABSENT: NONE
ABSTAIN: VO

9. REGULAR BUSINESS - None

10. REPORTS

10.1.REPORT FROM CODE ENFORCEMENT REGARDING DONATION BINS

A Zone Text Amendment was initiated by the Planning Commission on July 20, 2016 to address donation bins that have proliferated in commercial center parking lots. Code Enforcement staff will provide an update on enforcement and drafting of the ordinance.

RECOMMENDATION: That the Planning Commission receive Staff's report and provide direction to staff as appropriate.

Code Enforcement Manager Vicki Morgan Provided a PowerPoint presentation to the Commission.

The following topics were covered during the presentation:

- What are our current code requirements?
- What are our current enforcement procedures?
- What are our limitations (i.e. PPI)?
- How are other cities enforcing (i.e. 10-day notice, complete ban, permit required)
- League of California Cities Ordinance Considerations (May 2016)
- Recommendations

Motion was made by Vice Chair Manzo, and seconded by Commissioner Rice, to direct staff to proceed with the preparation of a draft ordinance and bring back to the planning commission for review. The motion carried (5-0) with the following vote:

AYES: ANDERSON, MANZO, NGUYEN, RICE, VO
NOES: NONE
ABSENT: NONE

10.2.MATTERS FROM THE PLANNING COMMISSION

Chair Anderson requested discussion of an ethics ordinance for consideration.

Chair Anderson stated he requested this this item be placed on the agenda due to concerns raised from by Vice Chair Manzo. The concern about ethics was raised from a former Westminster planning commissioner who took some inappropriate action and had to suffer the consequences. The Commission's previous discussion pertained to ethics, training, and requirements.

An excerpt from the City of Riverside Municipal Code (RMC 2.78 – Code of Ethics) was presented. Chair Anderson stated when he became a Planning Commissioner, he took an oath of office which is a little vague and very general. He stated that the oath required you to stated that you will, "well and faithfully discharge the duties upon which I am about to enter during such time as I hold the office." He added, the Code of Ethics adopted by the City of Riverside provided a lot of value, it makes it very clear to the people assuming office as well as the residents that there are certain expectations that people in office must uphold.

Chair Anderson stated the issue of adopting citywide ethics is not a land use item, so it is not technically under the purview of the Planning Commission. He stated he wanted to bring the item up for discussion and get the thoughts of the Commission.

He offered, if there is interest amongst the Commission, one option is to talk to the Council Members that appointed us to see if they have an interest in adopting a Code of Ethics and changing the Westminster Municipal Code.

Vice Chair Manzo stated he read through the Code section provided and thought it provided good examples to consider and the City would benefit from adopting a similar Code. He thought the Code would be good for the residents to have the peace of mind that our elected and appointed officials are acting in good faith while representing the City.

Commissioner Rice inquired if the rest of the Commission had taken an ethics class. Chair Anderson confirmed that they had attended ethics training as required, but this request would be in addition to the required ethics training. He added the oath of office is a bit vague and does not specifically say they will uphold the duties of Westminster Municipal Code.

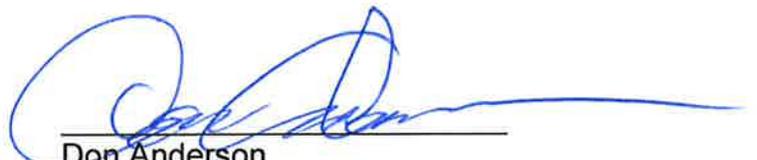
Discussion ensued and no action was taken. There was consensus amongst the Commission to discuss the matter with each Commissioner's appointing Council Member and see if the City Council has interest in adding a Code of Ethics to the City of Westminster Municipal Code.

On another matter from the Planning Commission, Chair Anderson stated he had some concerns about park dedication fees. He confirmed with Associate Planner Steve Ratkay that the park dedication fees only applied when there is a subdivision of land and asked if this was something under the Planning Commission Purview. Associate Planner Steve Ratkay confirmed park dedication fees for developments falls under the Development Standards, so it is under the purview of the Planning Commission. Chair Anderson asked that Park Dedication fees be added to a future agenda for discussion.

10.3.AB 1234 Reports – None

Associate Planner Steve Ratkay informed the Commission that a proposal for an Aldi Supermarket on Goldenwest Street and Westminster Boulevard will be coming before them on the October 5, 2016 meeting.

11. ADJOURNMENT – The meeting was adjourned at 8:58 p.m. to a regular meeting on Wednesday, October 5, 2016 at 6:30 p.m. in the City Council Chambers.

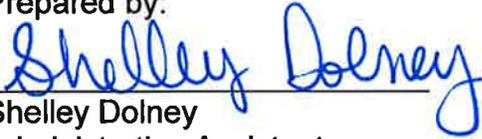


Don Anderson
Chairman



Brian Fisk
Planning Commission Secretary

Prepared by:



Shelley Dolney
Administrative Assistant