



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
July 21, 2010
6:30 p.m.

Call to Order The Planning Commission of the City of Westminster met in a regular session on Wednesday, July 21, 2010, called to order in the City Council Chambers at 6:30 p.m. by Chairman Tran.

Roll Call Commissioners present: Bertels, Vo Tran, Turro,
Commissioner absent: Ho

Staff Attendance Art Bashmakian, Planning Manager; Michael Patterson, Assistant Planner; Fenn Moun, Planning Technician; and Maria Moya, Administrative Assistant

Salute to the Flag All persons present joined in the Salute to the Flag, conducted by Commissioner Vo.

Approval of Minutes The minutes of the regular meeting of July 7, 2010 were approved on motion of Chairman Tran, seconded by Commissioner Vo, and carried 3-0, Commissioner Bertels abstained as he was not in the meeting, and Commissioner Ho was absent.

Oral Communication None

Report from the Secretary on Late Communication Items None

Public Hearing A. Case 2010-27 Conditional Use Permit
Location: 1025 Westminster Mall, Suite 2032A (Assessor's Parcel Number 195-373-17)

An application for a Conditional Use Permit (CUP) to operate a tattoo and piercing studio (Pacific Ink Tattoo) within an existing 1,100 square-foot tenant space located on the second level in the

north wing of the Westminster Mall near the J.C. Penney anchor store.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit.

Mr. Fenn Moun presented the facts and analysis of the proposal to operate a tattoo and piercing studio inside Westminster Mall. Based on these, he recommended that the Planning Commission approve the permit subject to recommended conditions.

The public hearing was opened and the following spoke in favor:

- 1) Mrs. Rosemary Demarco, the applicant's mother, of 6025 Kingsfield St., Castle Rock, Colorado, indicated her support for her son whom she contended to be a good and ethical person who has a love for the art;
- 2) Mr. Patrick Demarco, the applicant and business owner, of 24497 Madera Way, Laguna Niguel, indicated that he operated a tattoo/body piercing parlor in Laguna Hills Mall where he worked to remove the stigma of the business and elevate its standard. By providing a high quality and safe place to get tattoo/body piercing, Mr. Demarco aspires to continue their quality operation through high-tech sterilization procedures, educating clientele (many of them are professionals) with their no hate policy, no tattoo on moles, face, and sensitive areas in Westminster Mall. He stated that he will have two tattoo workers in his business;
- 3) Mr. Larry Demarco, the applicant's father, 6025 Kingsfield St., Castle Rock, Colorado, stated that his son is a very dedicated worker and has not encountered any problems in his business;
- 4) Mr. Mark Halbach, on behalf of Simon Property, 1025 Westminster Mall, maintained that Mr. Demarco is a professional and has worked to earn his business, receiving exemplary reviews;
- 5) Ms. Susan Dowe of 9012 Research Drive, Irvine, CA, a Certified Public Accountant, has a tattoo by Mr. Demarco. She stated that she felt very safe, private, and comfortable in his shop in the mall. She praised Mr. Demarco as a nice person who happens to do art on skin instead of paper.

No one spoke in opposition and the public hearing was closed.

Mr. Demarco confirmed that he will comply with all the conditions imposed by staff. He further stated that no other signs will be posted in his business except a sign stating that "minors are not allowed unless accompanied by an adult".

The public hearing was closed.

Motion

On motion of Chairman Tran, seconded by Commissioner Bertels, and carried 4-0, Commissioner Ho absent, the Planning Commission approved Case 2010-27 (Resolution No. 10-22), an application for a Conditional Use Permit (CUP) to operate a tattoo and piercing studio in the Westminster Mall subject to the conditions of approval.

Reports

A. Case 2010-16 Site Plan

Location: 7461 Trask Avenue (Assessor's Parcel Numbers 096-455-01, 096-455-02, 096-465-24)

An application for a Site Plan review for an existing wholesale/retail plant nursery (Bolsa Nursery) to relocate from 7451 Westminster Boulevard to 7461 Trask Avenue. The new location is approximately 262,000 square-feet in area, and will be located on a Southern California Edison (SCE) utility right-of way.

STAFF RECOMMENDATION: That the Planning Commission approve the site plan.

Mr. Michael Patterson made a brief presentation on the proposed relocation of an existing wholesale/retail plant nursery on a Southern California Edison right-of-way. Based on its findings and analysis, staff recommended that the Planning Commission approve the site plan subject to the conditions listed in the draft resolution. He mentioned that staff received a response from Ms. Christine Taormina of 7411 Natal Drive, who expressed concern about the health effects of chemical spray and possible rats, vermin and coyotes in the proposed site. After speaking with the applicant about these concerns, Mr. Patterson indicated the applicant's willingness to address any issues or concerns with neighboring residents relating to the relocation of his nursery. According to Mr. Patterson, the applicant uses a weed killer spray similar to "Round Up" sold in Home Depot stores; the applicant is careful about the use of insecticides especially on windy days as it is not cost effective; the applicant is very proactive in keeping away rats and vermin by sealing trash and putting traps; and although it is very rare, the applicant will call Animal Control immediately if any coyotes are in sight.

The Commission allowed the applicant/tenant's architect, Mr. Ted Oyama of 2820 Red Hill, Santa Ana, to speak. He indicated that the applicant/tenant has operated his business in the city for 35

years and this will be the third relocation of the business within the Edison right-of-way. He confirmed that the applicant/tenant will comply with all the conditions imposed by staff.

Ms. Christine Taormina of 7411 Natal Drive was not opposed to the relocation of the nursery but was concerned about the health risks of the chemicals being sprayed on the plants since she and her children live very close to the proposed nursery and had witnessed the nursery workers wearing masks while spraying days before the relocation. In addition, she mentioned that a coyote was recently killed in her backyard and was advised by the Animal Control that the nursery could be a habitat for coyotes if it was to be relocated close to her home.

Mr. Bashmakian suggested to the Commission to allow Mr. Oyama to address Ms. Taormina's concerns.

Mr. Oyama explained that the chemicals sprayed to kill the weeds were in preparation of the site for the nursery. With regards to possible coyote habitat, Mr. Oyama stated that there has never been a wild animal that had lived in the nursery in all its 35 years of business.

Commissioner Turro was still concerned about the chemical spraying especially because there is no a block wall between the nursery and the residents, and the chemical spray could break through the wooden fence.

The applicant Mr. Masaru Sakioka, 17068 Edgewater Lane, Huntington Beach, stated that they initially sprayed to remove weeds using a weed killer chemical (similar to "Round Up" that is sold in Home Depot) in the proposed site. He contended that they are very sensitive to the safety of their employees so that they do not spray when it is windy and they would require mask and suit when spraying. Mr. Sakioka added that spraying varies during the day but is done mostly in the mornings. He said that they will strive to better communicate with the nearby residents to address any concerns and issues such as spraying time.

Motion

Commissioner Vo commented that the applicant is very cooperative and moved that the Planning Commission approve Case 2010-16 (Resolution No. 10-23) based on staff findings and analysis and subject to the staff conditions. Commissioner Bertels seconded and the motion carried 4-0, Commissioner Ho absent.

Commissioner Bertels inquired why Case 2010-16 (not a public hearing item) was voted upon by the Commission and not received and filed as previously done by the Commission.

Mr. Bashmakian explained that there is no difference between a Public Hearing item and a Report item since both require due process and are considered voting items, which the Commission could either approve or deny. He indicated that in order to exercise due process, anyone who wants to speak for or in opposition on the proposed Public Hearing or a Report item, should be allowed to speak.

Administrative Adjustments

None

Items from the Planning Commission

None

Comments: Planning Commissioners

None

Planning Manager

Mr. Bashmakian informed the Commission that the August 18 meeting will be cancelled as the Council Chambers will be used for the upcoming elections; Commissioner Vo will be on vacation; and there is no scheduled item for the meeting. Similarly, August 4 may also be cancelled due to lack of item.

Reporting on AB 1234

None

Adjournment

The meeting was adjourned at 7:45 p.m. to the Planning Commission meeting on Wednesday, August 4, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant