



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
October 5, 2011
6:30 p.m.

1. ROLL CALL: BERTELS, HO, OH, TURRO, VO

PRESENT: Bertels, Ho, Oh, Turro, Vo
ABSENT: None

2. SALUTE TO FLAG:

Commissioner Ho

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

None

4. EX PARTE COMMUNICATIONS

None

5. SPECIAL PRESENTATIONS

None

6. ORAL COMMUNICATIONS

None

7. APPROVAL OF MINUTES – Regular Meeting September 21, 2011

The minutes of the regular meeting of September 22, 2011 were approved on motion of Commissioner Bertels, seconded by Chairman Vo, and carried 5-0.

8. PUBLIC HEARINGS

- 8.1 Case 2010-76 Conditional Use Permit and Administrative Use Permit**
Location: 7697 Westminster Blvd (Assessor's Parcel No. 096-230-67)
Sensation Dance Ballroom Studio

The project consists of a request for a Conditional Use permit to allow the on-site consumption of beer and wine (Type 42) and approval to operate a night club in conjunction with an existing dance studio (sensation Dance Ballroom Studio); and a request for an Administrative Use Permit to allow shared parking throughout the multi-tenant commercial building site located on Westminster Boulevard between Jasperson way and Arizona Street. The proposed business hours of operation are 10:00am to 1:00am Friday and Saturday and 10:00am to midnight Sunday through Thursday.

The applicant's request to operate a nightclub includes: Social (non-instruction based) dancing, incidental broadcasting of sporting events on four television screens, along with live entertainment. The applicant is proposing a variety of live entertainment which includes a deejay, karaoke accompanied by a keyboard player, or three performers (two musicians and one singer). The applicant's proposal also includes a request to hold special showcase events, incidental to the business, where admission may be charged.

The applicant's request for shared parking includes: An allowance to operate with 79 parking spaces where 97 parking spaces are required for the entire center. Parking analysis, prepared by a licensed traffic engineer, demonstrates that there is adequate parking for the proposed use.

RECOMMENDATION: Staff recommends that the Planning Commission deny the application based on the required findings.

Mr. Art Bashmakian made a brief presentation of the proposed application to allow on-site consumption of beer and wine; to operate a night club in conjunction with an existing dance studio; and to allow shared parking throughout the multi-tenant commercial building site located on Westminster Boulevard between Jasperson Way and Arizona Street. Based on staff findings and analysis, Mr. Bashmakian recommended that the Planning Commission deny the proposed entitlements.

The public hearing was opened.

The following spoke in favor:

Caroline and Eric Anderfaas of 13881 Cardillo Drive, support local business including the dance studio as they believe it is a safe and respectable business. They contended that they never heard loud music coming from the dance studio when they walk their dog around the neighborhood; that the business has a parking agreement with the adjacent bank; and they observed that the guests are always well-dressed and conduct themselves well.

Representing the applicant, Bruce Adams of 426 Culver Blvd., Playa del Rey, stated that since September 2010, no complaint was received by the Police

Department except for a noise complaint last April and the cause for the complaint has not been determined by the Police Department. He assured the Commission that the applicant will comply with all the conditions and will pay for necessary public notices and future annual reviews. He mentioned that they also proposed additional voluntary restrictions which include hiring a security guard, parking attendant for the front and back of the building, parking restrictions, earlier closure at midnight, and complying with ABC regulations.

Owner and applicant, Kimmi Voung of 7697 Westminster Blvd., indicated that her business caters to middle-aged group who love to dance and have a good time, and relax with a glass of beer and wine. She assured the Commission that her business is strictly ballroom dancing and not a nightclub.

Hugo Castro of 9702 Bolsa stated that although the proposal may look like a nightclub as City staff has painted it to be, it is a very elegant, classy and legitimate business. He added that additional restrictions have been proposed by the applicant to ensure that it will not operate like a typical nightclub.

Cindy Vuong (owner's sister) of 151 Hearthstone, Irvine, indicated that she helps in the business during the weekend and asserted that her sister abides by all City regulation. She stated that this business will bring income to the city.

Lee Ponceloton of 5812 Lancashire indicated that the reports circulating concerning this proposal are untrue and negative. He challenged the Commission to visit the business and check all the false reports.

The following people spoke: David Ostrander of 5211 Cornell; Sarah Henry of 6222 Hefley Street; Rosario Cardarzian of 19782 Invierness Lane, Huntington Beach; Linda Pitarra of 5351 Shresbury; Louise Hoang of 5403 Edgemere Drive, Torrance; Sandy Hartman of 13902 Bush; Patricia DeJong of 6176 Palau St; Hai Luu of 10052 Sherman Avenue; Don Hiep Nguyen of 17222 Gothard St. Ste E Huntington Beach; Tammy Birrer of 6131 Navajo Road; Hong Vuong (owner's sister) of 9851 Bolsa Ave.; Lorain Losquadro-Wyse of 4206 Delphi Dr. Huntington Beach; and Mia Kitt Johnson of 4320 E; Camino Real, Irvine. They all indicated that they have known Kimmi Voang for a number of years as they are mostly her clients in her nail and hair salon in Springdale. They stated that she is a hardworking business woman who runs a reputable business and is well capable to resolve issues about alcohol and parking. They added that the dance studio is a safe place for people who love to dance, to socialize, to release stress, and to share common interests over a glass of wine or beer. They added that the clients never go to the dance studio to get drunk and the music is strictly confined within the studio and cannot be heard outside of the building. They requested the Commission to give Kimmi a chance to operate her proposed business.

Crystal Wadsworth, Executive Director of the Westminster Chamber of Commerce, 14491 Beach Blvd., stated that Kimmi Voang abides by the rules and she is proud that Westminster has a business like this since people love to dance.

Donna Hurd-Gomez and Anthony Gomez of 13631 Richardson Way stated that it is very quiet by the dance studio when they walk their dog every night, and observed that the clientele are well dressed. They said that Kimmi Voang does well in everything she does.

Speaking in opposition, Steve Paysen of 13942 Jasperson Way, stated that he lives closest to the property. According to him, the Police Department did not receive any complaint concerning parking, noise, or alcohol for a long time because the residents have given up calling since last year as it did not do any good. He indicated that the business was initially used as a dance studio but is currently used as a night club. He indicated that parking is on the street and expressed doubt if there is a parking agreement between the bank and the dance studio. He stated that he personally knows the owner who informed him that her car has been vandalized within the same business location.

Pastor John Furman of First Presbyterian Church, 7702 Westminster Blvd., stated that since many events take place in the church with children present, he was concerned that the proposed business would negatively impact their church and surrounding residential neighborhood with overflow parking, increase noise, and drunkenness. He argued that there are already six businesses that serve alcohol and adding another one was not necessary. He mentioned that there are beer bottles left in the church property that may have come from those businesses.

Virginia Torres of 13521 Illinois, born and raised in Westminster for 57 years and a long-time member of the church, reiterated Pastor Furman's statements.

Don Richards of 7681 Colgate Avenue, attends First Presbyterian Church and maintains the church ground and building. He said that alcohol has been an issue for years in the city as he has observed people sleeping on church property. He was concerned that this may grow worse if the dancing studio is approved.

John Knox of 13472 Tulare Street stressed that the public hearing was not a popularity contest but consideration of the location of the business which he believed was not the right location. He indicated that residents behind the dance studio expressed their concerns about the negative impact this business will bring to the community.

Another church member, Paige Rogers of 5341 Santa Catalina, Garden Grove, was not completely in opposition but recommended that the Commission further

investigate the proposal as she was concerned with her safety when she works at night in the church.

Speaking in rebuttal, Bruce Adams stated that with the imposed conditions, the Commission could always review and modify the conditional use permit. He vowed that the business owner will comply with all the rules.

Concerning the beer bottles in the church ground, Lee Ponceloton stated that they could have come from other businesses since the dancing studio is not even selling beer and wine at this time.

Kimmi Young stated that two and a half years ago when she opened her business, Steve Paysen asked her for private lessons. However, being the owner and not an instructor, she turned him down but offered him her dancing instructors instead. She also mentioned that she is inviting everyone including Pastor Furman to her business to see how she operates her business as a dance studio and not a night club.

Commissioner Turro asked Kimmi if minors and karaoke will be allowed in the dance studio. Ms. Young confirmed that minors are welcome before 8 p.m. when alcoholic drinks are prohibited. Beer and wine will be served only after 8 pm by the employees of the dance studio. She also requested to allow karaoke because her clients enjoy singing and dancing.

Chairman Vo suggested that the Commission postpone the public hearing to the next meeting of October 19, 2011 so that the Commission could further investigate the concerns expressed.

Mr. Bashmakian mentioned that the Police Department staff are present to answer any questions, but there were no questions from the Commission.

Chairman Vo moved that the Planning Commission continue Case 2010-76 Conditional Use Permit and Administrative Use Permit to the next meeting of October 19, 2011. Commissioner Oh seconded and the motion carried 5-0.

9. REGULAR BUSINESS

9.1 Case 2010-88 Conditional Use Permit (Resolution Continued from 9/21/2011)

**Location: 15045 Moran Street, #103-104 (Assessor's Parcel No. 143 622-03)
Lac Cam**

To establish a 2,070-square foot lounge (Lac Cam) within an existing multi-tenant retail center. The lounge will facilitate entertainment (live music) and the on-site sale of beer and wine.

At the September 21, 2011 Planning Commission meeting, the Planning Commission voted unanimously (5-0) to deny the request for Conditional Use Permit. The Resolution for denial will be reviewed at this meeting.

RECOMMENDATION: Staff recommends that the Planning Commission consider the resolution to deny the conditional use permit and adopt the same.

Mr. Bashmakian recommended that the Commission review and adopt the Resolution containing the findings for denial for Case No. 2010-88.

On motion of Chairman Vo, seconded by Commissioner Bertels and carried 5-0, the Commission considered and adopted the resolution denying Case No. 2010-88 (Resolution 11-032).

10. REPORTS

10.1 Staff requests if the Commission would like to add an item on next meeting agenda to consider changes to meeting rules to reflect Council's.

The Commission did not have any item to consider changes to meeting rules to reflect Council's.

11. MATTERS FROM THE PLANNING COMMISSION

11.1 Request from Commissioner Bertels to discuss issues related to large homes, to possibly initiate a Zoning Text Amendment to regulate size of single family residences.

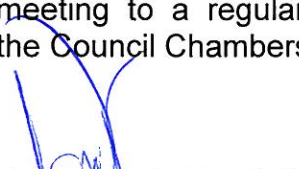
On a 5-0 vote, the Commission agreed to discuss issues related to large homes, to possibly initiate a Zoning Text Amendment to regulate size of single family residences.

11.2 AB 1234 Reports

None

12. ADJOURNMENT:

At 8:25 p.m., Chairman Vo adjourned the meeting to a regular meeting on Wednesday, October 19, 2011 at 6:30 p.m. in the Council Chambers.



Dave Vo
Chairman

Art Bashmakian

Art Bashmakian
Planning Commission Secretary

Prepared by: *

Maria Moya

MARIA MOYA
Administrative Assistant