



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
May 18, 2011
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, May 18, 2011, called to order in the City Council Chambers at 6:30 p.m. by Chairman Vo.
- Roll Call** Commissioners present: Bertels, Ho, Oh, Turro, Vo,
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Alexis Oropeza, Associate 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 Ho.
- Approval of Minutes** The minutes of the regular meeting of May 4, 2011 were approved on motion of Commissioner Bertels, seconded by Chairman Vo, and carried 5-0.
- Oral Communications** None
- Report from the Secretary on Late Communications Items** Mr. Art Bashmakian informed the Planning Commission that after the agenda packets were delivered, staff received five letters of support and one letter of opposition to Case 2010-76. Copies will be provided to the Planning Commission when the item comes up with a request for continuance.
- Ex Parte Communication** None
- Public Hearing A.** **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 between 10:00am through 1:30am daily.

The applicant's request to operate a nightclub includes: Social (non-instruction based) dancing, broadcasting of sporting events on 15 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 a five-piece band. The applicant's proposal also includes a request to hold special showcase events where admission may be charged.

The applicant's request for shared parking includes: An allowance to operate with 80 parking spaces where 97 parking spaces are required for the entire center. The request is based on a submitted parking analysis prepared by a licensed traffic engineer in order to substantiate that there is adequate parking for the center where the use is proposed.

STAFF RECOMMENDATION: That the Planning Commission deny the application based on the required findings.

Per the applicant's request, Mr. Bashmakian recommended that the Planning Commission continue this item to the next Planning Commission scheduled on June 1, 2011.

Motion

On motion of Commissioner Bertels, seconded by Chairman Vo, and carried 5-0, the Planning Commission moved to continue Case 2010-76 to the meeting of June 1, 2011.

Since the item was continued and requests to speak were received from the public relating to the item, the Planning Commission allowed anyone in the audience to speak if he/she would not be able to attend the next meeting. However, no one wished to speak in favor or in opposition at this time.

Mr. Christian Bettenhausen arrived at 6:40 p.m.

B. Case 2011-13 Conditional Use Permit - Amendment

Location: 15440 Beach Blvd #118 (Assessor's Parcel No. 107-161-10)

AAA Chinese Restaurant

An amendment to a Conditional Use Permit (CUP) to add the sales of distilled spirits and live entertainment in conjunction to a proposed banquet and restaurant (AAA Chinese Restaurant). The proposed 8,724 square-foot restaurant will be located in an existing, one-story, multi-tenant, commercial shopping center located on the north-east corner of Beach Boulevard and McFadden Avenue. The requested hours of operation for the restaurant is from 10:00am through 11:00pm and until 2:00am during scheduled events or banquets.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit, subject to conditions and limitations.

Mr. Fenn Moun made a brief presentation of the proposed application to add the sale of distilled spirits and live entertainment in conjunction to a proposed banquet and restaurant. Based on staff findings and analysis, Mr. Moun recommended that the Planning Commission approve the amendment to a Conditional Use Permit subject to the recommended conditions of approval in the draft resolution.

The public hearing was opened and speaking in favor was the applicant's representative, Mr. Bart Kasperowicz of 2955 Main Street, Ste. 110, Irvine. He thanked staff for its recommendation to approve their request, but expressed some concerns on some of the following conditions, namely: extending the time of operation to 2 a.m. instead of 1 a.m. (Condition No. 6); eliminating the events listed in the condition as it limits other events the restaurant may partake in (Condition No. 7); allowing flyers or media communication for fundraising events (Condition No. 11); allowing more than four video amusement devices (Condition No. 21); delete Condition No. 22 as it puts the burden solely on the business owner; Condition No. 23 should not be required as it is not necessary for the business; and eliminate/modify Condition No. 25 because a simple allegation could cause the business owner to close the business.

Ms. Maria Rivas and Mr. Juan Rivas of 8165 Bishop Avenue, Midway City, spoke in opposition. They stated that the shopping center (where the restaurant is located) behind their residence has

five businesses that currently sell beer and wine. They contended that they do not need another business that will sell hard liquor. Ms. Rivas further informed the Planning Commission that her car that was parked in front of her house was hit by a drunk driver and was totaled. She presented the Planning Commission a signed petition from her neighbors opposing the applicant's request.

Mr. Rivas reiterated his wife's statements and displayed the picture of the damaged car which was hit by a drunken driver. He stated that allowing the business to sell hard liquor will attract more criminals in their neighborhood.

In rebuttal, Mr. Kasperowicz apologized for the loss of the couple's car but assured them that the business has responsible owners who will manage the business well. He argued that the specific district is not saturated, and since they already serve beer and wine, Mr. Kasperowicz stated that hard liquor will always be incidental to food. He acknowledged the presence of Mr. Wen Xui Do, the manager of the restaurant, who was available to answer any questions.

The public hearing was closed.

Chairman Vo discussed with Mr. Kasperowicz some conditions that had issues and provided some of his suggestions. However, since there were concerns and problems relating to a number of conditions of approval, Chairman Vo suggested continuing this item to provide the applicant and staff time to work together and come to resolving these concerns.

Motion Chairman Vo moved that the Planning Commission continue Case 2010-76 to the June 1, 2011 meeting so that the applicant can work with staff concerning the conditions. Commissioner Bertels seconded and the motion carried 5-0.

Reports None

Administrative A. Case 2011-18 Administrative Use Permit
Use Permits Location: 7724 Garden Grove Blvd (Assessor's Parcel No.
And Adjustments 096-491-07) Starball Dance Studio

The applicant is proposing to establish and operate a dance studio within an existing tenant space approximately 5,650-square foot in size located within an industrial building within the C-M, Commercial Industrial zone. In addition to instructional dance lessons from noon to 9:00 pm weekends, "social dances" for

members and their guests will be held Tuesday through Sundays from 9:00 pm to 12:30 a.m. in conjunction with a live three-piece band.

Request approved. Appeal period ends 5/24/2011.

Motion On motion of Commissioner Bertels, seconded by Commissioner Turro and carried 5-0, the Planning Commission received and filed Case No. 2011-18 Administrative Use Permit.

Items from the Planning Commission None

Comments: Planning Commissioners Commissioner Bertels mentioned that the building at the corner of Magnolia Street and McFadden Avenue is looking worst every day. Mr. Bashmakian informed him that Code Enforcement is already handling the matter and will provide him an update.

Planning Manager None

City Attorney None

Reporting on None

Adjournment The meeting was adjourned at 8:00 p.m. to the Planning Commission meeting on Wednesday, June 1, 2011, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant