



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
June 1, 2011
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, June 1, 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; Kelvin Parker, Senior 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 Chairman Vo.
- Approval of Minutes** The minutes of the regular meeting of May 18, 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** None
- 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

(Continued from 5/18/2011) 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.

On May 24, 2011, staff received a request from applicant to postpone to an unspecified date. When a date is determined, the matter will be re-noticed.

STAFF RECOMMENDATION: That the Planning Commission continue this item indefinitely.

Per applicant's request, Mr. Bashmakian recommended that the Planning Commission continue Case 2010-76 to an unspecified date, and when a date is determined, it will be re-noticed for a future Planning Commission meeting. He mentioned that a sign-in sheet is available for anyone interested about the proposal and which will be used by staff to send the re-notice if a date for the public hearing is determined. If anyone wished to speak at this time, however, Mr. Bashmakian stated that the City Attorney had advised for them to wait until the item is scheduled for a public hearing. If the Planning Commission decides to allow them to speak, the information will be communicated to the applicant.

The Planning Commission allowed Mr. Steve Paysen of 13942 Jasperson Way to speak in opposition. He contended that although the business has a permit to operate as a dance studio, it has been used as a night club. He requested the City to check into this problem. Mr. Art Bashmakian informed him that his concern will be conveyed to Code Enforcement for appropriate action.

Motion

On motion of Commissioner Bertels, seconded by Chairman Vo, and carried 5-0, the Planning Commission continued Case 2010-76 Conditional Use Permit and Administrative Use Permit indefinitely.

B. Case 2011-13 Conditional Use Permit – Amendment

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

(Continued from 5/18/2011) 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.

On May 18, 2011, the Planning Commission continued the matter to the next regular meeting of June 1, 2011 to allow the applicant to submit requested revisions to the suggested conditions of approval for Staff's review.

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

Mr. Bashmakian indicated that the applicant has worked with staff relating to the conditions of approval, and Mr. Fenn Moun would provide a brief summary. He recommended that the Planning Commission reopen the public hearing to allow the applicant to respond to staff's modified conditions.

Mr. Moun stated that as a result with working with the applicant, staff had provided Attachment 1 – Table of Requested Revisions of Conditions 6, 7, 18, 21, 22, 24, and 29 which includes the applicant's request column and the staff's recommended conditions column. Based on staff findings and analysis, he recommended that the Planning Commission approve the conditional use permit subject to the conditions and limitations listed in the draft resolution.

The public hearing was opened.

Speaking in favor, the applicant's representative, Mr. Bart Kasperowicz of 2955 Main St., Irvine, thanked the Planning Commission for providing them the opportunity to work with staff in reconsidering some of the conditions of approval. For clarification, Mr. Kasperowicz requested the modification of the following conditions, namely: Condition No. 7 - include that the applicant may sell preordered tickets or be allowed a specific entry for an event but a blanket cover charge will not be allowed; Condition No. 8 – allow the VIP Room not only for dining but for private meetings as well; Condition No. 9 – remove the 10% floor area limitation; Condition No. 24 – add "initiate" to read, "...shall be sufficient grounds to "initiate" to suspend or revoke the conditional use

permit...”; and Condition No. 28 – change “business” to “property line” on the third line.

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

Art clarified that there were new items that were raised by the applicant only tonight that were considered non-issue to staff prior to the meeting.

The Planning Commission discussed the modified conditions requested by the applicant. However, due to a number of conflicting views and in order to avoid confusion, Chairman Vo suggested that the Planning Commission go over and vote on the conditions listed in the Table of Requested Revisions. A “yes” vote would support staff’s recommended condition and a “no” vote would support the applicant’s request.

Motions

Condition No. 6 – Commissioner Turro moved that the Planning Commission accept Condition No. 6 per staff recommendation. Commissioner Bertels seconded and the motion carried 5-0.

Condition No. 7 – Chairman Vo moved that the Planning Commission accept Condition No. 7 per staff recommendation. Commissioner Turro seconded and the motion failed 2-3. Chairman Vo, Commissioners Ho and Vo dissented. The condition will be revised per applicant’s request.

Condition No. 18 - Chairman Vo moved that the Planning Commission accept Condition No. 18 per staff recommendation. Commissioner Turro seconded and the motion carried 5-0.

Condition No. 19 - Chairman Vo moved that the Planning Commission accept Condition No. 19 per staff recommendation. Commissioner Turro seconded and the motion carried 5-0.

Condition No. 21 – Commissioner Turro moved that the Planning Commission accept Condition No. 21 per staff recommendation. Chairman Vo seconded and the motion carried 5-0.

Condition No. 22 - Chairman Vo moved that the Planning Commission accept Condition No. 22 per staff recommendation. Commissioner Turro seconded and the motion carried 5-0.

Condition No. 24 - Chairman Vo moved that the Planning Commission accept Condition No. 24 per staff recommendation.

Commissioner Turro seconded and the motion failed 1-4, Chairman Vo, Commissioners Ho, Oh, and Turro dissented.

Chairman Vo moved that the Planning Commission accept Condition No. 24 per staff recommendation and include the following modification to add “initiate” as follows “...shall be sufficient grounds to “initiate” to suspend or revoke the conditional use permit...” Commissioner Turro seconded and the motion carried 5-0.

Condition No. 29 - Chairman Vo moved that the Planning Commission accept Condition No. 29 per staff recommendation. Commissioner Turro seconded and the motion carried 5-0.

Condition No. 28 - Chairman Vo moved that the Planning Commission accept Condition No. 28 per staff recommendation with a modification to read, “...not to be audible more than 50 feet from “property line” of where the business is located...” Commissioner Ho seconded and the motion carried 5-0.

Condition No. 8 – Chairman Vo moved that the Planning Commission accept Condition No. 8 per staff recommendation with a modification that “only for dining and/or private meetings limited to 65 people the same occupancy as dining. Commissioner Bertels seconded and the motion carried 5-0.

Condition No. 9 - Chairman Vo moved that the Planning Commission accept Condition No. 9 per staff recommendation with a modification from 10 percent to “20 per cent” to read as follows, “... but shall not exceed more than twenty percent (20%) of the floor area...” Commissioner Bertels seconded and the motion carried 5-0.

Chairman Vo moved that based on staff findings and recommendations, the Planning Commission approve the conditional use permit, subject to conditions and limitations for Case 2011-13 Conditional Use Permit – Amendment (Resolution No. 11-019). Commissioner Turro seconded and the motion carried 5-0.

C. Case 2011-08 Zoning Text Amendment – Parking Standards for Commercial Shopping Centers
Location: Citywide (areas where shopping centers are permitted)

The proposed amendment will reduce the number of required parking spaces for retail located within commercial shopping centers.

Current Code: Retail located within commercial shopping centers requires 1 space per 250 square feet, or major fraction thereof, of gross floor area with a minimum of 5 parking spaces required.

Proposed Code: Require 1 space per 285 square feet of floor area in centers up to 30,000 square feet, 1 space per 300 square feet of floor area in centers between 30,001 and 10,000 square feet in floor area and 1 space per 350 square feet within commercial shopping centers over 100,000 square feet.

STAFF RECOMMENDATION: That the Planning Commission recommend the Mayor and City Council adopt an ordinance amending the parking standards for commercial shopping centers.

Mr. Kelvin Parker made a presentation to consider an amendment to the Zoning Ordinance reducing the number of required parking spaces for retail shopping center. Based on staff findings and analysis, he recommended that the Planning Commission recommend the Mayor and City Council adopt an ordinance amending the parking standards for commercial shopping centers.

The public hearing was opened and closed as no one wished to speak in favor or in opposition.

Motion

On motion of Commissioner Turro, seconded by Chairman Vo, and carried 5-0, the Planning Commission recommended that the Mayor and City Council adopt an ordinance amending the parking standards for commercial shopping centers for Case 2011-08 Zoning Text Amendment – Parking Standards for Commercial Shopping Centers (Resolution No. 11-020).

Items from the Planning Commission

None

Comments: Planning Commissioners

Commissioner Bertels asked Mr. Bashmakian if Code Enforcement has checked the building at the corner of Magnolia Street and McFadden Avenue which was looking worst every day. Mr. Bashmakian responded that he has not heard from Code Enforcement but will provide him an update when he gets additional info.

**Planning
Manager** None

City Attorney None

Reporting on None

Adjournment The meeting was adjourned at 7:50 p.m. to the Planning Commission meeting on Wednesday, June 15, 2011, at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA
Administrative Assistant