



**PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 21, 2011
6:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, September 21, 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** Doug McIsaac, Community Development Director'; 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 Commissioner Bertels.
- Approval of Minutes** The minutes of the regular meeting of August 17, 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 2010-88 Conditional Use Permit**
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.

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

Mr. Fenn Moun made a brief presentation of the proposed application to allow expansion of an existing tenant space with live music and onsite sale of alcoholic beverages. Based on staff findings and analysis, Mr. Moun recommended that the Planning Commission approve the application for Conditional Use Permit subject to the recommended conditions of approval in the draft resolution.

The public hearing was opened and speaking in favor was Ms. Kathy Buchoz, representing Bridgecreek Development, 8907 Warner No. 108 Huntington Beach. As the management company for the subject commercial center, she stated they are trying to introduce nightlife in Little Saigon as there are limited attractions in the area after the Asian Garden Mall closes. Well-known and a great musician, she contended that Mr. Kevin Le will enhance the night life with his music and art and she was hopeful that more restaurants will follow suit. She confirmed that Mr. Le will comply with all the conditions of approval, and she was available to answer any questions.

Having been a resident of Westminster for 25 years, the applicant, Mr. Kevin Le of 2790 N. Stone Pine Glen, Santa Ana, stated that he has played and taught music in the last 20 years. He indicated that the proposed music lounge will be a gathering of musicians who will play pleasant music such as jazz. There will be no dancing but he indicated that it will be a small and cozy place to enjoy music.

Chairman Vo expressed concern about the number of citations issued to the business relating to sale of alcoholic beverages and noise. Mr. Le explained that the violations occurred beyond his control when some of his guests would come to celebrate and bring alcoholic beverages. Concerning the noise problem, he justified that his students regularly hold weekend recitals since his business is a music studio. Mr. Le stated that his students come in from 3 pm – 8 pm and they only start playing music in the lounge from 8 pm – 12 am.

Commissioner Turro commented that the music studio may end up a nightclub.

In response to Commissioner Bertels, Mr. Le stated that they will not provide security in the music lounge and only adults will be allowed in the lounge when alcoholic beverage is served.

The Planning Commission allowed Ms. Buchoz to speak again.

She stated that Mr. Le originally rented the commercial space as a music studio and later held performances there at the request of his students. The performances had become very popular among the locals. Regarding the noise concerns, she stated that Mr. Le had installed noise absorbing insulation to sound proof his studio due to its close proximity to the Orange County Fire Station. She stated that the noise citation was an isolated case since Mr. Le had addressed the issue already. According to Ms. Buchoz, Mr. Le is trying to resolve all the issues as he wants to operate legally. She requested the Commission to approve the conditional use permit and provide Mr. Le an opportunity to operate his business during these hard economic times. Lastly, Ms. Buchoz mentioned that the management company currently provides security patrol in the area wherein Mr. Le's business is participating in as it is part of the commercial center's common maintenance.

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

Chairman Vo was opposed to the proposal due to the following: applicant's history of violating the law more than once; location was not appropriate for the type of business as it will create noise and negatively impact the Fire Department which is closely adjacent; and there is no full kitchen as only prepackaged food will be served with beer.

Commissioner Bertels commented that the Police Department considers the location in a high crime area.

Commissioner Ho's objection is the presence of kids in the lounge since it is a music studio during daytime.

Commissioner Turro did not like the past history of violations and was hesitant to approve the proposal because of the in and out presence of children.

Motion

Chairman Vo moved that the Planning Commission deny the Case 2010-88 Conditional Use Permit. Commissioner Oh seconded and the motion carried 5-0.

Mr. Doug McIsaac stated that the final action of the Planning Commission to deny the permit will require a new resolution that will be provided in the next meeting.

**Regular
Business**

**A. Case 2011-53 Zoning Text Amendment Initiation
Location: Citywide**

Initiation of a Zoning Text Amendment (ZTA) to modify the noticing requirements related to land use items. The change involves noticing residential renters of properties adjacent to a project site instead of any occupants (business owners) within 500 feet of a project site.

STAFF RECOMMENDATION: That the Planning Commission adopt the Resolution initiating the Zoning Text Amendment.

Mr. Kelvin Parker made a brief overview of the proposed Zoning Text Amendment (ZTA) that will modify the noticing requirements related to land use items for the purpose of clarifying which occupants within a proposed use notification area receive a notice of public hearing. Based on staff analysis, he recommended that the Planning Commission adopt the Resolution initiating the Zoning Text Amendment.

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

Motion On motion of Chairman Vo, seconded by Commissioner Oh, and carried 5-0, the Planning Commission adopted the resolution (Resolution 11-031) as recommended by staff.

Reports None

Administrative Use Permits and Adjustments None

Items from the Planning Commission None

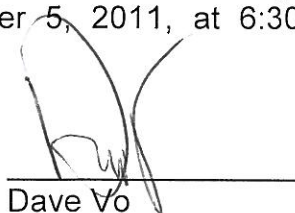
Comments: Planning Commissioners None

Planning Manager None

City Attorney None

Reporting on None
AB 1234

Adjournment At 7:15 p.m. Chairman Vo adjourned the meeting to a regular meeting on Wednesday, October 5, 2011, at 6:30 p.m. in the Council Chambers.

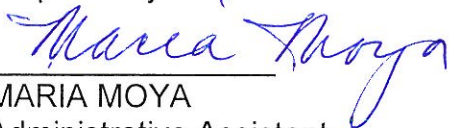


Dave Vo
Chairman



Art Bashmakian
Planning Commission Secretary

Prepared by:



MARIA MOYA
Administrative Assistant