



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**City Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**October 3, 2012**  
**6:30 p.m.**

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**1. ROLL CALL: ANDERSON, HO, OH, TURRO, VO**

PRESENT: Anderson, Ho, Turro, Vo  
ABSENT: Oh

**2. SALUTE TO FLAG:**

Commissioner Vo

**3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS**

Planning Manager Art Bashmakian mentioned that there was a letter in opposition to case number 2012-41, item 9.1.

**4. EX PARTE COMMUNICATIONS**

None

**5. SPECIAL PRESENTATIONS**

None

**6. ORAL COMMUNICATIONS**

None

**7. APPROVAL OF MINUTES – Regular Meeting May 16, 2012**

The minutes of the regular meeting of June 20, 2012 were approved on motion of Commissioner Anderson, seconded by Chairman Vo, and carried 4-0 (Oh absent) .

**8. PUBLIC HEARINGS**

**8.1 Case 2012-34 Administrative Use Permit**  
**Location: 10161 Bolsa Avenue, Suite 101 - 102A (Assessor's Parcel Number 099-554-23)**

The applicant is proposing to add a limited entertainment which entails three or less performers and karaoke on Friday and Saturday evening from 7:00 P.M. to 10:00 P.M. inside an existing restaurant (Pho Dem); which currently possesses a California Department of Alcoholic Beverage Control Type 41 (On-Sale of Beer and Wine) license; An Administrative Use Permit is required to allow Limited Entertainment in conjunction with a full service restaurant RECOMMENDATION: Staff recommends that the Planning Commission approve the Conditional Use Permit subject to conditions.

Senior Planner Kelvin Parker gave a presentation on the item.

THE CHAIR OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN FAVOR OF THE ITEM.

The following individuals spoke in favor of the project:

Lawrence Lam, Westminster resident  
Christopher Ng, Westminster resident

THE CHAIR ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN OPPOSITION OF THE ITEM.

The following individuals spoke in opposition of the project:

Hung Nguyen, nearby Westminster resident. He complained primarily about noise. Christopher Lang, adjacent business owner on the 2<sup>nd</sup> floor above the subject also complained about noise. He expressed a concern for his customers, primarily women, having to pass by the café where customers congregate and smoke. The noise also impacted his business which provides ultrasound services to pregnant women.

IN REBUTTAL

Christopher Ng spoke in rebuttal and stated that they follow all the rules and that the use will not have a negative impact. He mentioned that noise could also be generated by other similar uses in the center. He agreed to keep the doors closed to minimize noise impacts.

THE CHAIR CLOSED THE PUBLIC HEARING

Commission discussion ensued.

**Motion was made by Chairman Vo, and seconded by Commissioner**

Anderson, to adopt Resolution No. 12-27 entitled, "A Resolution of the Planning Commission of the City of Westminster approving an Administrative Use Permit for Limited Entertainment in conjunction within an existing restaurant located at 10161 Bolsa Avenue."

The motion carried by the following vote:

AYES:                   ANDERSON, HO, TURRO, VO  
NOES:  
ABSENT:               OH

**9.     REGULAR BUSINESS**

**9.1   Case 2012-41 Appeal of the Director's Denial of a Home-based Business Zoning Clearance Permit  
Location: 13292 Springdale Street (Assessor's Parcel Number 203-244-03)**

An appeal of the Director's denial of a Home-based Business Zoning Clearance Permit application because the business operations include parking a commercial vehicle on-site.

Art Bashmakian, Planning Manager gave a presentation on the item.

THE CHAIR ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK ON THE ITEM.

The following individual spoke in favor of the appeal favoring the use explaining that the home based business does not impact the neighborhood and that the Commission should grant the appeal and allow the use:

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John Peters, Westminster resident, adjacent neighbor

Ryan Labante, the appellant also spoke in support of the appeal stating that denial of his business would result in a significant economic hardship.

CHAIRMAN VO CLOSED THE PUBLIC COMMENT PERIOD.

Commission discussion ensued.

Commissioners asked about the definition of "commercial vehicle."  
Commission Ho asked about standards that regulate parking on a property.  
Commissioners felt the need to have answers to certain questions regarding the code before they can take action.

**Motion was made by Chairman Vo, and seconded by Commissioner**

Anderson, to continue the matter to the November 7, 2012 meeting in order to have answers to questions regarding the definition of commercial vehicle and code provisions regarding the parking of vehicles on a property.

The motion carried by the following vote:

AYES:                   ANDERSON, HO, TURRO, VO  
NOES:  
ABSENT:               OH

**10.   REPORTS**

None

**11.   MATTERS FROM THE PLANNING COMMISSION**

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**11.2  AB 1234 Reports**

None

**12.   ADJOURNMENT**

At 8:05 p.m., Chairman Vo adjourned the meeting to a regular meeting on Wednesday, October 17, 2012 at 6:30 p.m. in the Council Chambers.

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Dave Vo  
Chairman

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Art Bashmakian  
Planning Commission Secretary

Prepared by:

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Art Bashmakian  
Planning Commission Secretary