



**PLANNING COMMISSION  
Minutes of the Regular Meeting  
Council Chambers  
8200 Westminister Boulevard  
Westminister, CA 92683  
April 5, 2017  
6:34 p.m.**

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**1. PLANNING COMMISSION ROLL CALL:**

**BUI, MANZO, A.NGUYEN, Q.NGUYEN, AND RICE**

PRESENT: BUI, MANZO, Q.NGUYEN, RICE

ABSENT: A.NGUYEN

**STAFF PRESENT:**

Steven Ratkay, Acting Planning Manager; Christina Michaelis, Assistant Planner; Sandie Kim, Assistant Planner; Amanda Acuna, Planning Technician; Memnon "Meme" Torio, Planning Intern; Shelley Dolney, Administrative Assistant.

**2. SALUTE TO FLAG:**

Chair Manzo led the salute to the flag.

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

Acting Planning Manager Steven Ratkay stated there were two late communication items related to item 8.2.

**4. EX PARTE COMMUNICATIONS – Vice Chair Rice reported going to both locations to view the sites and she reported speaking to someone at the location for item 8.2. Chair Manzo reported going to the site for item 8.1. Commissioner Bui and Commissioner Q. Nguyen had nothing to report.**

**5. SPECIAL PRESENTATIONS - None**

**6. ORAL COMMUNICATIONS - None**

**7. APPROVAL OF MINUTES – March 1, 2017**

**Motion: It was moved by Vice Chair Rice, and seconded by Commissioner Bui, to approve the Planning Commission meeting minutes of March 1, 2017. The motion carried (3-0-1) with the following vote:**

AYES: BUI, MANZO, RICE  
NOES: NONE  
ABSENT: A.NGUYEN  
ABSTAIN: Q.NGUYEN

## 8. PUBLIC HEARINGS

### 8.1 Case No. 2015-14 (Conditional Use Permit and Development Review)

**Location:** 9851 Bolsa Avenue (APN # 098-191-01)

Rancho Del sol Mobile Home Park

**Applicant:** Chad Casenhiser

A request for a Conditional Use Permit and Development Review to allow for the construction of four new spaces to be added to an existing 196 space rental mobile home park. The proposed spaces will be located at the south east corner of the property directly adjacent to Bolsa Avenue.

CEQA COMPLIANCE: The proposed matter is exempt from CEQA pursuant to Class 32; Section 15332 pertaining to an in-fill development less than 5 acres.

RECOMMENDATION: That the Planning Commission approve the Conditional Use Permit and Development Review subject to Conditions of Approval.

Assistant Planner Christina Michaelis provided a presentation to the Commission.

Commissioner Bui inquired about traffic conditions at the entrance of the mobile home park, stating he visited the site and noticed some traffic infractions near the proposed location of the new units. Assistant Planner Michaelis responded that the City of Westminster's traffic engineers were consulted and believed there would be enough visibility due to the units being offset from the drive aisle. She added that the traffic engineers did suggest possibility of adding a stop sign near the proposed location.

Chair Manzo inquired about any plans to repair a damaged block wall on the west side of the proposed location of the new spaces. Assistant Planner Michaelis responded stating there had been discussion with the applicant about the gate and that it would need to match the rest of the wall, stating they did not specifically discuss any damage to the wall but the repair could be conditioned.

Chair Manzo Opened the Public Hearing.

Larry McDermott, project engineer, stated they have no problem with the proposed conditions of approval and he was present to answer any questions about the project. He added that the owner's representative was also present to address any comments regarding the repair to the damaged block wall.

There being no additional speakers, Chair Manzo closed the Public Hearing.

Chad Casenhiser, agent representing the owner, stated he has been managing the property for over 12 years and would be happy to address repairs of any damage to the wall.

**Motion:** It was moved by Chair Manzo, and seconded by Vice Chair Rice, to approve Case No. 2015-14 subject to conditions of approval, with added conditions to repair damage to existing block wall and add a stop sign near the proposed location. The motion carried (4-0) with the following vote:

AYES: BUI, MANZO, Q.NGUYEN, RICE  
NOES: NONE  
ABSENT: A.NGUYEN  
ABSTAIN: NONE

**8.2 Case No. 2016-58** (Two Conditional Use Permits and a Variance for a reduction of required parking spaces )

**Location:** 14190 Beach Boulevard (APN # 203-541-19)

**Viet My Magazine & Newspaper Venue**

**Applicant:** David Vo

A request for two (2) Conditional Use Permits (CUP); 1) to operate a venue for entertainment (i.e. wedding banquets, concerts, dancing, marketing, and assembly uses), and 2) to serve on-site consumption of alcoholic beverages; and a Variance (V) to have reduced number of parking spaces for the proposed uses.

**CEQA COMPLIANCE:** The proposed matter is exempt from CEQA pursuant to Class 1; Section 15301 pertaining to issuance of conditional use permits involving negligible expansion of an existing use.

**RECOMMENDATION:** That the Planning Commission approve the Conditional Use Permits and Variance subject to the conditions of approval.

Assistant Planner Sandie Kim provided a presentation to the Commission.

Commissioner Q. Nguyen inquired about the events to be held and if the facility would be considered similar to a nightclub. Assistant Planner Sandie Kim stated that after discussing the entertainment with the applicant and visiting the venue, she did not believe the facility would lend itself to a typical nightclub use.

Commissioner Bui inquired if cooking facilities were located at the site and if there was a plan to serve hard liquor which would lend to considering the site as a night club. Assistant Planner Sandie Kim displayed for the Commission the floor plan explaining that a large portion of venue is used for office space, she added that all service of food and alcohol consumption will be for catered events only. She confirmed there was no cooking facilities on-site and any food or drink service will be done by a 3<sup>rd</sup> party.

Commissioner Bui commented that based on the description provided, the City should not consider the use as a nightclub.

Chair Manzo asked Ms. Kim to elaborate on condition number 17 in the draft resolution. He inquired if the condition prohibiting advertising also covered the business owner.

*Resolution Condition #17 - The business owner shall be responsible for all third party promoters, which are prohibited from advertising or promoting the business as a night club or bar either through print media, radio or the internet.*

Assistant Planner Sandie Kim explained that condition number 17 puts the responsibility of all business activity and events on the business owner. She added the owner is also responsible for not allowing the 3<sup>rd</sup> party to promote the event as a night club. Chair Manzo inquired if that also prohibited the owner from promoting an event, he made a reference to item number three the applicant's description of business which mentions offering advertising to customers. Ms. Kim stated that the condition could be amended to prohibit the owner from advertising events as well.

Chair Manzo Open the Public Hearing.

The following people spoke in favor of the project.

David Vo, project applicant, stated he would have Charlie Nguyen speak on his behalf.

Chi Charlie Nguyen, Westminster Resident representing the applicant, stated he has known the CEO of Viet My Magazine, David Vo, personally for many years, previously being located in Garden Grove, he attended many of the events at that location. He commented that he is they are coming to Westminster because Mr. Vo is very active in the community and does a lot of good things for the community. Mr. Nguyen stated the venue is for promoting community events, there is no intention to operate as a nightclub or restaurant. He stated they have agreed to comply with the conditions of Westminster Police Department and have changed their operating hours to end at midnight. Additionally, Monday through Friday, the business will operate as Viet My Magazine and on the weekends they will have special events. He further explained that the broadcasting media has advertisers and they will have customer appreciation events to thank the advertisers doing business with Viet My Magazine. He reiterated, there is no intention to have any kind of restaurant or night club at all and urged Commission again for approval on the project.

Vice Chair Rice inquired why the justification sheet shows there will be no alcohol served, but a request for a Conditional Use Permit to allow alcohol has been submitted. Assistant Planner Sandie Kim explained that there have been several versions of project description and justification. She stated the description she provided in the staff report is the closest description to the application submittal, but she missed that it stated no alcohol. She further explained the second CUP was

added for alcohol, however it will be temporary alcohol use when catering is used at the venue. After contacting ABC, she found that the catering company will have to apply for a temporary ABC license to serve at the venue. She clarified that the approval is based on the catering company's license, if their original license includes hard liquor than they will be able to serve hard liquor at the venue. She added that it will be the responsibility of the owner to make sure the catering company obtains the temporary ABC license.

Chi Charlie Nguyen stated that they have been working closely with City staff and the police department and confirmed they can comply with all conditions they have requested.

Vice Chair Rice asked for the buildings occupancy number. Assistant Planner Sandie Kim stated that the occupancy is determined by the Building Code. She provided an example of 2000 square feet of floor area and approximately 15 square feet of floor area required per person should be approximately 136, however that final occupancy is determined by the Building Official. Vice Chair Rice and Chair Manzo inquired about the number of bathrooms available and if the bathrooms are ADA compliant. Acting Planning Manager Steven Ratkay explained the Building Department will determine and ensure compliance on the number of bathrooms required and meeting ADA compliancy.

Vice Chair Rice mentioned the police report and the statistic of 201 police calls to the area in the past year, she asked Mr. Nguyen if he could explain why there are so many calls since the business is not open yet. Mr. Nguyen stated he cannot explain why the police report shows that number since Viet My Magazine recently opened. He reiterated that they operation will not be as a nightclub or a restaurant, they will only be using the venue for social events. He stated he did not see any reason for there to be an increase in crime in the area.

Commissioner Q. Nguyen inquired about the media hours and event hours being different and if the parking for the media could then be used for the events. Assistant Planner Sandie Kim answered the deficit of 13 spaces for events will be adequately filled by the 19 parking spaces from the media center.

Commissioner Bui inquired about operations and social activities at the location, specifically asking if the facility will be available graduation celebrations, mother's day celebrations, father's day celebrations, wedding banquets, and celebrations for military personnel. He also asked if Viet My Magazine would assist civilians and military personnel with limited resources. He offered a suggestion to have patrons carpool to relieve some of the parking issues.

Chi Charlie Nguyen responded to Commissioner Bui's inquiry stating they may offer the venue to graduation celebrations, mother's day celebrations, father's day celebrations, and wedding banquets as long as they comply with the rules set by the City of Westminster. He stated, Viet My Magazine plans to not only to bring the good

news to the community through broadcasting and social events, but they also plan on promoting the young talent in the City. They may have an event for students to come together for educational purposes or to give out awards and encourage those people to continue to be good citizens for the United States as well as the City of Westminster. Mr. Nguyen also affirmed that for as long as he has known David Vo and Viet My Magazine, they have done military events in the past and will continue offer such events, especially for people that serve our country.

Chair Manzo inquired if the previously mentioned "social events" would be considered public events or private events. Mr. Nguyen stated that there will be both public and private events being held. He stated that Viet My Magazine would be having their own customer appreciation events at times. Chair Manzo referred to the description of business letter submitted by My Viet Magazine which states they may offer advertising events. He opined if we allow advertisement of the events then available parking may be exceeded. Mr. Nguyen stated they would operate within whatever is required and he additionally stated there will be a Viet May magazine representative present at all events. He affirmed they would operate within the occupancy requirements and turn away people that exceed the occupancy.

Vice Chair Rice inquired if the venue would be used for religious gatherings and if they will comply with the requirement that events will be limited to Fridays, Saturdays, and Sundays. Mr. Nguyen stated they will not hold religious services but would use the venue for religious organization gatherings. And, he affirmed they are willing to comply with the Westminster Police Department requirement to have events on Friday, Saturday, and Sunday.

Kim Binh Nguyen, representing the Vietnamese Community of Southern California, filled out a speaker card but had left the meeting prior to being called.

Lanvy Tran, speaking on behalf of David Vo, stated they are not trying to propose a nightclub, restaurant or hard liquor with entertainment. She stated this is purely for social events and business gathering. She stated it might be possible press conferences occurring within the Vietnamese community and other social activities that might occur.

Vice Chair Rice inquired about church services. Lanvy Tran explained it would not be used for religious practices there, but they may include young groups gathering at the location. Assistant Planner Sandie Kim offered a condition of approval can be added to the resolution to exclude religious services.

Commissioner Q. Nguyen inquired about question about controlling the people attending the events with the limited parking available. Lanvy Tran explained that they plan to have reservations or tickets. She stated whatever the number they are allowed to admit will be the number of tickets they will print. Vice Chair Rice commented that they can admittance by ticket as a condition in the resolution as well.

Commissioner Bui inquired about the term social services he asked if Ms. Tran would charge the City if the City wanted to have a voting ballot location at their facility. Ms. Tran stated it would be an honor to make a contribution to serve the City. Commissioner Bui also inquired about Boy Scouts and Girl Scouts would be able to use the facility. Ms. Tran affirmed that yes, the Scouts would be allowed to use the facility, she added that their intention is to bring the hidden gems of the community to the public and show them their talents and how they can serve their community. Their intention is to help the youth. Commissioner Bui thanked Ms. Tran and then opined that this offers multi-service toward the community rather than a night club coming in and drinking liquor.

The following people spoke in opposition

Charles M Ferano, representing local homeowner James E. Mason. Mr. Mason filled out a speaker card but is waiving his right to speak to allow Mr. Farano additional time.

Mr. Ferano, attorney representing James E. Mason who owns two pieces of property directly across Beach Boulevard at 7931 and 7941 14<sup>th</sup> Street. Stated his concern is the waiver of parking spaces, he offered several figures indicating he felt the count of required parking spaces may be incorrect according to his calculations using the Westminster Municipal Code. He added that he had a problem with advertising and the possible lack of control when events are advertised. He stated the reason why he felt control was such an issue is because there is a church operating without a Conditional Use Permit right across the street at 7932 and 7942 14<sup>th</sup> Street and Mr. Mason has watched the facility grow, since 2011, to the point where there is 35-45 people in attendance and we have pictorial evidence as provided in the document already submitted to you. There has been absolutely no Code Enforcement in that area whatsoever and a conditional use permit is required in that area as it is a residential area. Since the church also operates at the same time as the venue, he felt there would be a spillover affect that the City won't be able to control. He believed there would be about 75 cars in that area and any sort of parking waiver would create additional problems. He added that he didn't want to raise any acrimony with the applicants, he believed they were fine people, but despite the nobility of the use, there will be a spillover from the venue.

Don Johnson, representing the owners of 14120 through 14180 Beach Boulevard, which is essentially all the properties around the Sam Ash building, including the three County buildings and the restaurant Bleu. Stated they have managed the property since 1989 and although they welcome them taking over the furniture store, their concern is parking and traffic. He stated he had problems with people parking in their facility even though he has 57 parking signs displayed throughout his parking lot. He also noted the County offices are allowed to have events on nights and weekends per their agreement.

Commissioner Bui stated he recognized Mr. Johnson from a previous time he went to Bleu as a patron. He stated that he parked on the other side of Bleu illegally with a

lot of other customers and felt Mr. Johnson does not have enough parking for Bleu. Mr. Johnson stated there is 430 parking spaces on his property but it is most convenient to park closer to the venue. He recommended for Mr. Johnson to put a sign on his spaces for customers not to park in neighboring parking spaces. He stated the best way is for the two entities to live harmoniously with each other and not to fight since the two entities are not competitive with each other.

Vice Chair Rice inquired about the religious services being held at 7931 and 7941 14<sup>th</sup> Street. Mr. Johnson responded that was the previous speaker. Vice Chair Rice asked if Mr. Johnson knew anything about it. He stated that he has seen the parking and they have not really been using his parking lot. He said that there is no public parking across the street the only public parking lot would be only our parking lot or the Sam Ash lot. She asked him if he knew if it was a daily occurrence or just certain days of the week. Mr. Johnson stated he had only noticed it on the weekends since it is more obvious.

Connie Nguyen, owner of the adjacent business Bleu Restaurant and Dancing, protested the two conditional use permits requested by Viet My Magazine. She stated that Bleu currently has a full restaurant and dancing permit with a full liquor license, has been in operation for almost 20 years, and has been good neighbors to the residents and other businesses in the area. She stated she is very concerned with the possibility of having a business that operates with two extremely different businesses during normal and after business hours. She felt this plan would cause confusion and put the public safety at risk. She commented that Viet My Magazine was intended and permitted to operate as a media center and it should stay that way. She stated that she has heard the applicant's say they will not operate the facility as a nightclub but the definition of a nightclub is a place where there is music, concerts, shows, dancing, consumption of alcohol, open late, and advertised to the public. If it transforms into a nightclub, it will increase traffic, parking issues, alcohol consumption, accident and incidents, police involvement, and create additional security risks for the neighborhood and possible crime in the area. In the interest of the neighborhood, the public, and the City we strongly oppose the proposal of this case and we hope the Planning Commission and the Police Department can foresee the potential problems. She urged the Planning Commission to deny the project.

Vice Chair Rice inquired about the police report and stated there was over 201 calls to that business related to crime, stating many of the calls were for drinking in cars and drinking in the parking lot, she asked Mrs. Nguyen if she made any of those calls to the police department. Mrs. Nguyen responded that she did not know anything about those calls to the police department, she added that approving an additional establishment with alcohol will cause more drinking and more problems. She added, if they intend to help the youth and older clientele, why would they need to be open late or serve alcohol, it just does not make sense. She stated that when Bleu does fundraising events or charity for the youth they always do it during the daytime as children are not allowed at night. She mentioned that about one month after Viet My Magazine opened, they advertised for an event with a bunch of young people, it was



not geared toward older people. She urged the Commission to take that into consideration.

Commissioner Bui asked Mrs. Connie Nguyen to define liquor and alcohol beverage. She stated that alcohol beverage is beer and wine but liquor is also alcohol beverage. Commissioner Bui commented that her location is able to sell liquor and Viet My Magazine would not be able to sell liquor so it is different than a nightclub. Mrs. Connie Nguyen stated that Viet My Magazine is allowed to consume alcohol in their premise whether they sell it or have someone else sell it, it is still consumption of alcohol.

Commissioner Bui stated that he will have staff explain the definition of nightclub and social club. Acting Planning Manager Steven Ratkay explained the City zoning ordinance has a definition of entertainment, a definition of nightclub, a definition of a private meeting club, a definition of banquet facilities, but there is not really a definition of a social club. Regarding alcohol, an alcohol license can comprise of two categories, either beer and wine or a more expansive category that includes beer, wine and distilled spirits. Chair Manzo asked to confirm the request if for beer wine and distilled spirits. Acting Planning Manager Steven Ratkay confirmed it is correct that the Conditional Use Permit included distilled spirits.

Commissioner Bui asked Mrs. Nguyen to confirm the operating hours of her establishment end at 2:00 AM, he stated that she had the advantage since Viet My Magazine will close at midnight but her establishment will stay open until 2:00 AM. Mrs. Nguyen confirmed that her establishment is open until 2:00 AM and she stated she is not worried about competition, she is worried about the safety of the neighborhood since there will be more of everything. Commissioner Bui inquired if the 201 calls mentioned in the police report were calls to her facility. Mrs. Nguyen stated she was unaware of the calls and was unable to confirm if they for her establishment. Commissioner Bui commented the CUP is temporary and if Viet My Magazine violates the CUP it can be revoked. Commissioner Bui commented if you have a young kid and an old kid, you should tell you old kid to yield to the younger brother rather than let the old kid bully the younger one. Let's live peacefully with each other for the City to flourish as a whole because we are in a place where we try to live for freedom and justice and liberty for all people. Mrs. Nguyen stated that if more alcohol is allowed it would be more problems for the City and the neighborhood.

Those in favor now spoke in rebuttal.

Chi Charlie Nguyen stated Viet My Magazine is not a nightclub and there is no competition. He stated that Mrs. Connie Nguyen stated she was in the area for 20 years and yet she didn't know anything about the police calls for service and how can she predict the future if she doesn't even know what is going on in the area for the past year. He added it is a social event location for the community and believed there would be less crime in the area. He stated the attorney mentioned two properties on the west side of Beach Boulevard, we don't want our customers or attendees parking across the street because it would be unsafe. Our events will be controlled by Viet

My Magazine and any advertisement in the newspaper or broadcast events will mention the limited occupancy with a ticket for admittance. We want to make sure we have a good venue for the community, not using the venue just for drinking. He mentioned they had been monitoring the parking lot for the past several weeks had video and pictorial evidence of people from Bleu parking in our area and stated they could present the evidence to the Commission if they desired.

Commissioner Bui asked to see the evidence.

Lanvy Tran came to the podium and showed several pictures on the overhead monitor. She stated the evidence depicts the cars parking in the parking lot that were patrons from Bleu. Per the request of Commissioner Bui, the pictorial evidence and report by the private investigator was submitted to the record as late communication for consideration.

There being no additional speakers, Chair Manzo closed the public hearing.

Vice Chair Rice stated she didn't believe they should allow the parking variance since it is a City Code and the applicant should abide by it. As far as the venue, a time limit is warranted. If they are only dealing with children and the elderly it is possible that the venue can close by 10:00 PM, if it is a venue like you've been describing, she didn't see a reason to have alcohol. She believe that the no advertising should be included and the ticket entry only should be included and if there is security in the parking long than the security can help facilitate the parking issues.

Commissioner Bui wanted to stress the importance that the Commission work together representing the City of Westminster in the principal of justice and liberty, giving everyone an equal opportunity to grow and liberty allowing freedom from arbitrary rules. He stated the Commission is here to regulate business, henceforth we will promote business expansion or business improvement and if we work as a team, we will stand on our principal, and give every people a chance to work as a business entity. Additionally, he stated the CUP is only temporary and if there are any violations, the City has a right to revoke the permit. Chair Manzo commented that the revocation would only take place if there are excess phone calls to the police department or the City, then the case would have to come before the Commission again. Commissioner Bui stated that he thought that would be fair to everyone and less burden for the Commission.

Commissioner Q. Nguyen agreed with Commissioner Bui's statements.

Vice Chair Rice stated she believed it is good that Commissioner Bui believed in equal opportunity, but commented that the alcohol is a problem due to the high crime rate and the area being over-saturated with alcohol use licenses. She added that the area is allowed seven alcohol licenses but already has eight licenses. She believed adding more alcohol uses will cause more crime in the area.

Chair Manzo stated that when he considers alcohol uses, he looks at the police report. He puts a lot of weight on their report since they are the professionals and they are the ones that keep us safe. They recommend to deny the Conditional use Permit for alcohol. And, the parking is a problem, it is a problem now and I don't see adding to it. I believe in not allowing my decisions to negatively impacting the people in Westminster, especially the people that live in the nearby neighborhood. Because of the police report and the parking issues, I am not in favor and I would motion to deny both conditional use permits.

**Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice, to deny Case No. 2016-58. The motion failed (2-2) with the following vote:**

AYES: MANZO, RICE  
NOES: BUI, Q.NGUYEN  
ABSENT: A.NGUYEN  
ABSTAIN: NONE

**Motion: It was moved by Commissioner Q. Nguyen, and seconded by Commissioner Bui, to approve Case No. 2016-58. The motion failed (2-2) with the following vote:**

AYES: BUI, Q.NGUYEN  
NOES: MANZO, RICE  
ABSENT: A.NGUYEN  
ABSTAIN: NONE

Acting Planning Manager Steven Ratkay stated both motions failed. One motion to deny and one motion to approve both failed. Chair Manzo inquired about continuing the Public Hearing to a later date. Acting Planning Manager Steven Ratkay stated the public hearing is closed, it is advisable to deliberate further.

Chair Manzo stated that when he took his oath of office as a Commissioner for the City of Westminster, he is here to represent all of Westminster. When an application is before him, his first concern is the residents in the area. To me this application has a lot of negatives, 1) this area has an over-saturation of alcohol licenses, we are already over what is allowed in the area by one and that is not good for the surrounding residents, 2) High Crime, the police department is the professionals and if they are recommending denial and that is what I look at. I see they have good intentions about providing a service to the community but like Commissioner Rice commented earlier, for the purpose described by the applicant for the type of events that are going to take place here described by Mr. Charlie Nguyen earlier, I don't see a necessity for alcohol to be provided to the people at the event. Regarding the parking as described by the neighbors, there is already a parking problem in the area, I feel we don't have to make a situation worse.

Commissioner Bui commented that we are not working on our feelings here, we are working on justice and liberty. That means we use our minds and our thinking towards the people and provide them equal opportunity towards growth. He asked where denial was recommended in the police report.

Commissioner Q. Nguyen commented that the police report mentioned about the high crime, but they recommend until 12 AM now. And, Viet My Magazine said they would cooperate with the police requirements. The second thing is about the parking, the parking does not have problems because the media hours do not conflict with event hours so the media parking can be used during the days that the events going on. And, she stated, the alcohol is just a beer and wine license, not hard liquor.

Chair Manzo referred to the police report showing that the police are opposed to the application and it says, however, if it is approved these are the conditions. That means if it is approved by us as Planning Commissioners. Vice Chair Rice said that the police department doesn't approve or agree with it. Commissioner Q. Nguyen and Bui both commented that as long as the conditions are met, they didn't see an issue with it.

Acting Planning Manager Steven Ratkay offered an explanation about a misunderstanding regarding the Police report, stating it is probably the choice of words chosen by the police department. He further explained it is staffs understanding that the police department is opposed unless the following conditions listed are followed and they would be in favor if the conditions in the resolution are imposed. Regarding the motion, he offered, the Planning Commission could make an alternative motion or a motion to continue the public hearing to the next meeting to continue deliberation and allow any additional testimony.

Chair Manzo stated he is not in favor of approving the alcohol license, adding he was more inclined to approve be the parking variance if he had to make an exception. He stated that he views the alcohol to an already high crime area negatively. Additionally, the way the applicant described the use, it seems there is no need for alcohol at these events.

Vice Chair Rice concurred with Chair Manzo, she felt the alcohol would add to the high crime level. She commented that she thought the business was great but she didn't see any need for alcohol.

Commissioner Bui stated the Commission already clarified the difference of beer and wine which is a very light level of alcohol. He stated that is very different from the other entity which has hard liquor. Assistant Planner Sandie Kim explained that the venue can serve beer, wine, and hard liquor. Commissioner Bui stated he would like to make a motion to approve with the condition to remove hard liquor from the approval.

**Motion: It was moved by Commissioner Bui, and seconded by Commissioner Q. Nguyen, to approve Case No. 2016-58, removing hard liquor from the approval. The**

motion failed (2-2) with the following vote:

AYES: BUI, Q.NGUYEN  
NOES: MANZO, RICE  
ABSENT: A.NGUYEN  
ABSTAIN: NONE

Chair Manzo stated it seemed we should make a motion to continue to a later date. Commissioner Bui agreed that we should delay until we have enough people to make a decision.

**Motion: It was moved by Chair Manzo, seconded by Vice Chair Rice, to continue the public hearing to May 3, 2017, due to an absent Commissioner and a split decision. The motion to continue carried with the following vote: 4-0 (A. Nguyen Absent).**

AYES: BUI, MANZO, Q.NGUYEN, RICE  
NOES: NONE  
ABSENT: A.NGUYEN  
ABSTAIN: NONE

Acting Planning manager Steven Ratkay confirmed that since the item has been continued to a specific date, there would be no additional notifications sent regarding this item.

Note: Commissioner Bui started a motion while Chair Manzo's motion was in process, Commissioner Bui did not receive a second for his motion, so the motion died and Chair Manzo's motion was the final action.

After further discussion, Chair Manzo started a Motion to amend his previously approved motion, adding direction for staff to work with the applicant to make some changes to the proposal prior to the May 3<sup>rd</sup> meeting. There was further discussion about the possibility of denying the variance. There was no second for the amended continuance motion to have staff work with the applicant, so the amended motion died. Chair Manzo's original motion without direction to staff stands as the final action.

**9. REGULAR BUSINESS - None**

**10. REPORTS – None**

**11. MATTERS FROM THE PLANNING COMMISSION**

Vice Chair Rice asked staff to provide an update on the following projects at the next meeting:

- Veterinary Hospital on Westminster Boulevard
- Apartments to be built on Edwards Street

- Aldi Grocery Store
- Apartments behind McDonalds
- Nursing facility on Vallecito
- Hotel being built on Bolsa and Brookhurst

She inquired about the nursing facility on Vallecito and when it would be returning to the Planning Commission. Acting Planning Manager Steven Ratkay stated it would be back before the Planning Commission on May 3, 2017.

Chair Manzo stated he would like to amend the acceptable work hours for construction. Acting Planning Manager Steven Ratkay stated that the construction work hours are not listed within the zoning ordinance so the Commission does not have the authority to amend a part of the Municipal Code that is not related to land use. He suggested that individual commissioners can approach Council Members to suggest the change.


#### **11.1 AB 1234 REPORTS – None**

#### **11.2 MATTERS FROM STAFF**

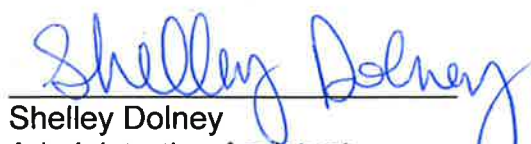
Acting Planning Manager Steven Ratkay stated he would like to recognize Intern Meme Torio and Planning Technician Amanda Acuna who have been present during the meeting. He stated that there will be two housing projects before the Commission at the April 19<sup>th</sup> meeting.

#### **12. ADJOURNMENT – The meeting was adjourned at 8:48 p.m. to a regular meeting on Wednesday, April 19, 2017 at 6:30 p.m. in the City Council Chambers.**

  
 Steven Ratkay  
 Planning Commission Secretary

  
 Anita Rice  
 Vice Chair

Prepared by:

  
 Shelley Dolney  
 Administrative Assistant