



**PLANNING COMMISSION  
Minutes of the Regular Meeting  
Council Chambers  
8200 Westminster Boulevard  
Westminster, CA 92683  
June 7, 2017  
6:30 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; Sandie Kim, Assistant Planner; Kyle Seasock, Police Detective; Darin Upstill, Police Sergeant; Carrie Raven, Deputy City Attorney; Shelley Dolney, Administrative Assistant; Margie Rice, Councilwoman.

**2. SALUTE TO FLAG:**

Administrative Assistant Shelley Dolney led the salute to the flag.

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

Acting Planning Manager Steven Ratkay reported there were no late communication items.

**4. EX PARTE COMMUNICATIONS**

Vice Chair Rice reported visiting the site for item 8.1, toured the facility, and spoke with the applicant. There were no additional ex parte communications reported.

**5. SPECIAL PRESENTATIONS - None**

**6. ORAL COMMUNICATIONS**

Mark Peterson, Westminster resident, spoke about the City's mobile home ordinance and requested the Planning Commission consider revising the terms and amount of compensation for displaced residents. He also felt that the City's parking requirements for developments were lacking and suggested a higher number of required parking spaces per unit based on the number of people that reside at the same address by today's standards.

In response to Chair Manzo's inquiry about the mobile home ordinance and parking standards, Acting Planning Manager Steven Ratkay explained that the ordinance has a clause in it stating that each year the compensation amounts increase by the consumer price index. So the code already provides the adjustment from 1994 to 2017 values for compensation. And, regarding the residential parking standards, the City will be going through a Zoning Code Update process in the next couple years and that will be the appropriate time to address Code issues comprehensively.

## **7. APPROVAL OF MINUTES – May 17, 2017**

**Motion:** It was moved by Commissioner Q. Nguyen, and seconded by Chair Manzo, to approve the Planning Commission meeting minutes of May 17, 2017, as presented. The motion carried (4-0) with the following vote:

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

## **8. PUBLIC HEARINGS**

- 8.1 Case No. 2016-58** – Continued from 4/5/2017 and 5/3/17 Meetings  
(Two Conditional Use Permits and a Variance for a reduction of required parking)  
**Location:** 14190 Beach Boulevard (APN # 097-080-36)  
Viet My Magazine & Newspaper Venue  
**Applicant:** David Vo  
**Project Planner:** Sandie Kim, Assistant Planner

The proposed project involves 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 Case No. 2016-58 approving two Conditional Use Permits for an entertainment venue and on-site consumption of beer, wine, and distilled spirits; and a Variance from parking standards located at 14190 Beach Boulevard, subject to conditions of approval.

Assistant Planner Sandie Kim provided a presentation to the Planning Commission. She informed the Commission that two representatives from the Westminster Police Department were present for questions related to the police report.

Chair Manzo and Vice Chair Rice stated they would like to hear from the police department about the police report and alcohol use saturation.

Detective Seasock stated the Alcoholic Beverage Control allows seven on-sale licenses in the census tract and eight locations have already been granted an alcohol use, so the tract is already over saturated. He explained the boundaries and that the area is considered a high crime district due to the number of calls for service received.

Chair Manzo inquired about the main considerations for the police recommendations and asked to explain the recommendations in more detail. Detective Seasock and Sergeant Upstill stated the main concerns are alcohol use saturation and the crime levels in the census tract. They stated the police department is not in favor of approval, however included a list of conditions if the item is approved.

Commissioner Bui asked Detective Seasock about the 57 calls for Club Bleu and confirmed the calls for service were historical and not from Viet My Magazine. He inquired about the list of conditions proposed and asked if a new business followed those conditions if they could be approved. Detective Seasock stated the list of conditions are fairly standard for these types of business and there are other businesses in operation with these conditions. Commissioner Bui commented that we need to treat everyone with liberty and justice and not discriminate based on assumptions. All people should have a right to start a business as long as they follow the rules. Detective Seasock stated that the recommendations in the report was not written on assumptions, it was based on hard numbers that were obtained and researched.

Commissioner Q. Nguyen inquired if the 57 calls in the report were from any serious cases. Sergeant Upstill explained the various calls could range from assaults with a deadly weapon to an audible alarm within the business to a car that was broken into in the parking lot.

Chair Manzo inquired about the likelihood of increased calls for service due to additional alcohol uses in the area based on the experience of the police officers. Sergeant Upstill explained when you sell alcohol, there is a likelihood crime would increase.

**CHAIR MANZO OPENED THE PUBLIC HEARING AND ASKED THOSE IN FAVOR TO SPEAK**

Chi Charlie Nguyen, project applicant, thanked various dignitaries present for attending the meeting. He stated that he has known David Vo for many years and he is pleased they chose to move from Garden Grove to Westminster as Viet My Magazine will provide many benefits for the City. He added that Viet My Magazine has already agreed to comply with all the conditions proposed by the police department. He stated that the 57 calls for crime in the area were from Bleu

Restaurant and should not preclude Viet My Magazine from starting a business. He urged the Commission to approve the Conditional Use Permit.

Tuan Nguyen, Asian-American National Committee Inc., speaking on behalf of David Vo, stated he was very familiar with this kind of venue and he has known David for 10 years. Viet My Magazine was open for 13 years in Philadelphia before opening in California and there has been no problems with his events. He felt the police report was prejudicial, adding he preferred to deal with facts and not hypothetical situations. He offered assistance to the City to help facilitate the process and put to rest any concerns about the business.

Trung Nguyen, friend of David Vo speaking on his behalf, stated he believed the impact of the business will be based on his personality and it will be good for the City of Westminster.

Lanvy Tran, speaking on behalf of David Vo supporting the case, she emphasized the business will have small events with little alcohol drinks, they will not be operating like a night club, and they will not violently impact the neighborhood. She further stated they will not be selling alcoholic beverages, they will be present for consumption at parties. She stated that they were asking for approval of the use. She showed some pictures of patrons for Club Bleu using the parking lot for Viet My Magazine.

Mark Peterson, Westminster resident, stated he didn't see a problem with the parking and felt end of business at 10:00 PM was reasonable since you wouldn't want fathers slugging down alcohol until midnight with kids present. He suggested that a condition to review the business activity in periodic intervals might be a way to check the business performance and ascertain if the business has any impact in the area.

Commissioner Bui commented that Mr. Peterson should not make assumptions about Vietnamese people drinking around their children. He stated Oriental people respect their kids and only drink light alcohol such as beer and wine with their children. He emphasized Viet My Magazine is only going to serve light alcohol during events.

#### CHAIR MANZO ASKED THOSE IN OPPOSITION TO SPEAK

Connie Nguyen, owner of Bleu Restaurant, stated she and her husband have owned Bleu for the past 20 years. She stated that she knew the applicant and had no problem with Mr. Vo having his media center near her location. She added, the problem comes from adding alcohol, music, dancing and late nights. She showed an advertisement that was sent out one month after the location opened. The advertisement displayed and event with a live band, dancing, and tickets for sale. She offered this as an example that David Vo had disregarded his duty to obtain proper permits for the advertised event. She commented that Commissioner Bui talked about "freedom," yes, everybody should exercise freedom but it should not infringe on the freedoms of others. She added that Commissioner Bui stated "we should help each other and live in harmony," so, she came up with the idea that if Mr. David Vo wants to create these

events, she would be willing to shut down for the night and let Mr. Vo use Bleu for free; adding that Bleu is equipped with all licenses. She concluded that she trusts the City officials to make decisions that will protect the neighborhood.

Vice Chair Rice and Commissioner Q. Nguyen asked about flyer that was distributed. Mrs. Connie Nguyen confirmed the flyer was for the 14190 Beach Boulevard address. She added that her issue is that the event was advertised without obtaining a permit. Assistant Planner Sandie Kim explained that the facility is licensed for a media center and they will need a conditional use permit for entertainment or alcoholic beverages. In response to Chair Manzo's inquiry if the business owner was aware that he needed a permit to have an event similar to the one displayed on the flyer, Assistant Planner Sandie Kim stated that she informed the applicant of the requirement for a Conditional Use Permit for any type of venue.

Don Johnson, property manager representing the owner of 14120-14180 Beach which includes Club Bleu and the county offices on the site, stated he was opposed on several issues including the alcohol saturation in the area, the police report states 57 calls in a year which equates to approximately five calls a month or one call a week which is not a substantial number for this type of business. He offered that under business parameters, the owner could have private parties at his business right now without a conditional use permit, the issue is public parties. He stated they have over 450 parking spaces that surround his property, however it is difficult to keep people parking in the places they are supposed to. He stated he would like to see this business succeed, but it seems that the business is trying to back door into the use without getting proper permits.

#### CHAIR MANZO ASKED THOSE IN FAVOR TO SPEAK IN REBUTTAL

Chi Charlie Nguyen inquired about the validity that private parties don't need a conditional use permit. Assistant Planner Sandie Kim stated that any activities related to the media center, not exceeding 50 people, similar to appreciation days, would not need a conditional use permit. She added any rentals to third parties requires a conditional use permit. Chi Charlie Nguyen added that the flyer was put together by a Viet My Magazine client who was allowed to use the facility for a small entertainment group. He added that they informed the City and stopped the event when they became aware of the flyer. He explained that if a conditional use permit is granted that they will only have controlled public events using tickets limiting the attendance to the event. He emphasized that Viet My Magazine (media organization with venue for entertainment) is not the same as Bleu Restaurant (nightclub). He stated that Councilmember Margie Rice suggested that the conditional use permit could be approved with a six month or one year probationary period and he thought it was a very good suggestion. He urged the Commission to grant the conditional use permit.

THERE BEING NO OTHER SPEAKERS, CHAIR MANZO CLOSED THE PUBLIC HEARING

Commissioner Bui stated he would like to make a motion since the issue has been dragging on too long. He stated that we should follow the principal of business and grant them a temporary conditional use permit. He further stated if they violate the conditional use permit, they can suspend the permit or fine the business. He said that would be fair, the principal of the United States is fairness and justice to all people. It was noted that Commissioner Bui only commented, he did not make a motion.

Vice Chair Rice stated she met with everyone at the facility and she really likes the business and was impressed by the business plan. She added that the alcohol oversaturation bothered her and she holds a lot of merit in the police report. She didn't feel the parking was an issue. She added that she would like to see a motion for the private events approved without alcohol.

Chair Manzo commented that he felt Commissioner Bui didn't understand the laws, regulations, and limiting the amount of alcohol licenses or parking in the area; stating it allowed for a certain amount of control. He offered that when he looks at a project, he looks at the facts of an oversaturation of alcohol licenses and extra crime in the area. He indicated he didn't want to make a decision that would add possible public safety issues. He added that he understands that the crime in the report is not from the Viet My Magazine, but the location is in a high crime area. He stated that if the application came before them with the alcohol licenses not being oversaturated, he would be in favor; however, with an oversaturation and high crime, he feels the conditional use permit should be denied

Commissioner Bui stated he listened carefully to what Chair Manzo expressed and felt that the expressions were based on assumptions. He commented that the Commission should work on fairness and justice. He added that if they approve a business license and they don't follow the rules, they will be cut off. He stated that if he were to make a motion, it would be for the hours of operation until 12 midnight and no hard liquor per the police department recommendations.

**Motion: It was moved by Commissioner Bui, and seconded by Commissioner Q. Nguyen, to approve Case No. 2016-58 subject to the conditions of approval in the draft resolution, stressing the hours of operation closure at midnight and removing distilled spirits from the approval.**

Discussion ensued clarifying the definition of distilled spirits and clarifying the Variance request is to allow a deviation from established City parking requirements.

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

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

Since the initial motion failed, further deliberation was desired. A motion to deliberate further was necessary per the advice of the Deputy City Attorney Raven.

**Motion: It was moved by Commissioner Q. Nguyen, and seconded by Commissioner Bui, to continue to deliberate Case No. 2016-58. The motion carried (4-0) with the following vote:**

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

Commissioner Q. Nguyen stated she would like to approve the request to allow Viet My Magazine a chance to open the business and see how they do during a review period. She added there is no evidence currently that Viet My will cause crime or traffic.

There was discussion about oversaturation of licenses in the census tract, the calls for other businesses in the area, and separating the entitlement requests to take action on each item separately.

**Motion: It was moved by Vice Chair Rice, and seconded by Commissioner Bui, to approve Case No. 2016-58, Variance from parking standards, located at 14190 Beach Boulevard, subject to the conditions of approval in the draft resolution. The motion carried (4-0) with the following vote:**

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

There was discussion about the Conditional Use Permits, one for the venue and one for the alcohol.

**Motion: It was moved by Vice Chair Rice, and seconded by Commissioner Q. Nguyen, to approve Case No. 2016-58 a Conditional Use Permit to operate a venue for entertainment located at 14190 Beach Boulevard, subject to the conditions of approval in the draft resolution. The motion carried (3-1) with the following vote:**

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

**Motion: It was moved by Vice Chair Rice, and seconded by Chair Manzo to deny a Conditional Use Permit for on-site consumption of alcoholic beverages for Case No.**

2016-58, located at 14190 Beach Boulevard.

Discussion ensued clarifying the status of the remaining Conditional Use Permit for Alcohol and the implications of a denial of the alcohol consumption would mean. Commissioner Bui asked for clarification of what is considered alcoholic beverages.

The motion to deny failed (2-2) with the following vote:

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

Chair Manzo commented that it was apparent that there is very strong feelings about the application. He stated that both he and Vice Chair Rice are against the proposed application and they broke up the entitlements to work with the other Commissioners. He stated that with a little give and take, the Commission may be able to take action. Commissioner Q. Nguyen confirmed that the prior action to approve the parking variance and use had passed and the last action was just to deny the alcohol use. She stated that she would be willing to vote in favor of a denial of the alcohol use.

**Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to deny a Conditional Use Permit for on-site consumption of alcoholic beverages for Case No. 2016-58, located at 14190 Beach Boulevard.**

The motion to deny carried (3-1) with the following vote:

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

Acting Planning Manager Steven Ratkay confirmed that all actions of the Planning Commission were subject to a fifteen (15) day appeal period ending on June 22, 2017.

- 9. REGULAR BUSINESS - None**
- 10. REPORTS – None**
- 11. MATTERS FROM THE PLANNING COMMISSION - None**
  - 11.1 AB 1234 REPORTS - None**
  - 11.2 MATTERS FROM STAFF**



Steve Ratkay, stated a future study session will be scheduled regarding procedures related to the Planning Commission.

- 12. ADJOURNMENT – The meeting was adjourned at 8:23 p.m. to a regular meeting on Wednesday, June 21, 2017 at 6:30 p.m. in the City Council Chambers.**



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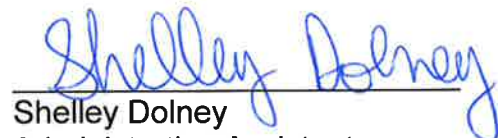
Carlos Manzo  
Chairman



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Steven Ratkay  
Planning Commission Secretary

Prepared by:



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Shelley Dolney  
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