



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
December 5, 2018
6:30 p.m.**

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, Planning Manager; Christopher Wong, Senior Planner, Sandie Kim, Associate Planner; Jake Ngo, City Principal Civil Engineer; Dylan Lawrence, Planning Technician; Meme Torio, Planning Technician; Baron Bettenhausen, Deputy City Attorney; Shelley Dolney, Senior Administrative Assistant; Michael Son, Administrative Assistant II; Margie Rice, Council member.

2. SALUTE TO FLAG:

Vice Chair Rice led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

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

4. EX PARTE COMMUNICATIONS - None

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS - None

7. APPROVAL OF MINUTES – November 7, 2018

Motion: It was moved by Chair Manzo, and seconded by Commissioner Q. Nguyen, to approve the Planning Commission meeting minutes of November 7, 2018, 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. 2018-115 – Conditional Use Permit

Location: 9822 Bolsa Avenue, Suite A (Assessor's Parcel Number 143-031-11)

Applicant: Bon Hoang and Khiem Truong

Project Planner: Christopher Wong, Senior Planner

PROJECT DESCRIPTION: A request for a Conditional Use Permit (CUP) to:

- 1) Operate and indoor amusement/entertainment facility (i.e., Karaoke establishment) in a 3,949-square-foot tenant space, and
- 2) Operate said commercial business within 150 feet of a partial zoned for residential use with "late night operations" and "late night hours," as defined by the Westminster Municipal Code Section 17.700.010.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the requirements of the City of Westminster and has been deemed to be Categorically Exempt per Class 1, Section 15301 of the California Environmental Quality Act (CEQA) because the project consists of the operation, permitting, licensing, and minor alteration of an existing private structure and facilities involving negligible or no expansion of an existing use.

RECOMMENDATION: That the Planning Commission adopt a resolution entitled, "A Resolution of the Planning Commission of the City of Westminster approving Case No. 2018-115, a Conditional Use Permit to allow a karaoke establishment with "late night operations" and "late night hours," as defined by the Westminster Municipal Code, at 9822 Bolsa Avenue, Suite A (Assessor's Parcel Number 143-031-11)"

Senior Planner Christopher Wong provided a presentation to the Commission.

Chair Manzo inquired about typical hours of operation for other karaoke establishments within the City. Senior Planner Wong stated that there were no other karaoke establishments within the City, but the hours of operation requested were similar to other karaoke establishments in other cities.

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

Peter Nguyen, project applicant and Westminster resident, stated that he developed the business based on research conducted in the area and has reviewed the City comments regarding the business. He wished to affirm to the City and the

Commission that he will be focused primarily on family, group, and business activities.

Commissioner Bui inquired if there was a way to control the flow of people into the facility. Mr. Nguyen responded that the business has a waiting area, but karaoke rooms are reserved in advance for a specific time so there would be no outdoor overflow or additional traffic created within the Plaza.

CHAIR MANZO ASKED THOSE IN OPOSITION TO SPEAK.

Karen Carpenter, Westminster resident, stated she lived at the Chelsea Place home ownership condominiums across the street from the proposed business. She offered that the sound projects across the roadway from the existing businesses. She added that she was concerned about the sound emitting from the new business and felt the proposed hours of operation closing at 2:00 AM was excessive and would impact nearby residents. She requested that the Planning Commission only grant the business a provisional license if approved. She concluded that her main concerns were noise, parking, and traffic.

CHAIR MANZO ASKED THOSE WHO SPOKE IN FAVOR TO SPEAK IN REBUTTAL.

Peter Nguyen, project applicant and Westminster resident, stated that he understood his business creates noise. He offered the rooms would be constructed in a way to sound proof walls and doors to ensure there would be no noise outside the premise. He also stated that they will make sure to comply with regulations and City Codes to mitigate any impact to the residents living nearby.

Vice Chair Rice inquired if there would be any security in the parking lot to make sure patrons were not loitering in the parking lot. Mr. Nguyen stated the plaza provides security and he would consider providing additional security as necessary.

In response to questions about parking raised by Chair Manzo and Vice Chair Rice, Planning Manager Ratkay stated the shopping center meets the required parking for existing commercial uses and there is sufficient parking for the proposed business.

CHAIR MANZO CLOSED THE PUBLIC HEARING.

Discussion ensued about the process for a Conditional Use Permit revocation if the business becomes a nuisance in the future; and, the various Building, Safety and Fire Codes that the business must meet through the plan check process.

Vice Chair Rice stated she was concerned about the business operating until 2:00 AM on Sunday nights since Monday is a typical work day. Chair Manzo offered that 12:00 AM seemed more reasonable and consistent with other establishments he had researched.

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to approve Case No. 2018-115 for a Conditional Use Permit to operate a karaoke studio, located at 9822 Bolsa Avenue, Suite A, as conditioned with an amendment to condition number seven (7) to close at midnight daily. 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 Vice Chair Rice, and seconded by Commissioner Q. Nguyen to approve Case No. 2018-115 for a Conditional Use Permit to operate a karaoke studio, located at 9822 Bolsa Avenue, Suite A, as conditioned with an amendment to close at midnight Sunday through Thursday, but allow operation until 2:00 AM on Friday and Saturday nights. The motion carried (3-1) with the following vote:

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

9. REGULAR BUSINESS

9.1 Case No. 2018-169 - Zone Text Amendment

Location: Citywide

Applicant: City of Westminster

Planner: Sandie Kim, Associate Planner

DESCRIPTION: Initiation of a Zone Text Amendment (ZTA) related to amending the City's regulations regarding wireless facilities to be consistent with the Federal Communications Commission (FCC) requirement.

CEQA COMPLIANCE: Initiating a Zoning Text Amendment is not a project, as defined by the Environmental Quality Act (CEQA), and therefore is not subject to CEQA. A CEQA assessment will be performed once an ordinance is drafted for the Planning Commission's and City Council's consideration.

RECOMMENDATION: Adopt a Resolution entitled, "a Resolution of the Planning Commission of the City of Westminster declaring its intention to consider amendments to the text of the City of Westminster's Zoning Ordinance"

Sandie Kim provided a presentation to the Commission.

Motion: It was moved by Chair Manzo, and seconded by Vice Chair Rice to adopt a Resolution entitled, "a Resolution of the Planning Commission of the City of Westminster declaring its intention to consider amendments to the text of the City of Westminster's Zoning Ordinance." The motion carried (4-0) with the following vote:

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

10. REPORTS - None


11. MATTERS FROM THE PLANNING COMMISSION - None

11.1 AB 1234 Reports - None

11.2 MATTERS FROM STAFF

Steve thanked all the planning commissioners for the past year of service. He added that the community benefits from the hard work of the Planning Commission and it is appreciated. The Commission echoed the comments and offered their appreciation to staff and the Deputy City Attorney.

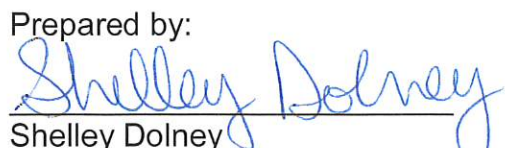
11. ADJOURNMENT – The meeting was adjourned at 7:09 p.m. to a special meeting on Wednesday, January 23, 2019 at 6:30 p.m. in the City Council Chambers.



Carlos Manzo
Chairman

Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Dolney
Senior Administrative Assistant