



**PLANNING COMMISSION
Minutes of the Regular Meeting
Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
August 2, 2023
6:30 p.m.**

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, BUI, HAMADE, POWER, WOLBERT

PRESENT: ANDERSON, BUI, HAMADE, POWER, WOLBERT

ABSENT: NONE

STAFF PRESENT:

Steven Ratkay, Planning Manager; Christopher Wong, Senior Planner; Sandie Kim, Associate Planner; Michael Son, Housing Specialist; Russell Miyahira, Assistant City Attorney; Shelley Stevens, Senior Administrative Assistant.

2. SALUTE TO FLAG

Commissioner Anderson led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Ratkay reported that there were no late communications.

4. EX PARTE COMMUNICATIONS

Commissioner Anderson reported visiting the site locations for both 8.1 and 8.2. Chair Bui reported visiting the site location for item 8.2.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

Terry Rains offered that the Commission has a right to be notified when the City Council members challenge a decision made by the Planning Commission. She was shocked to learn that Planning Commissioners were not formally notified when an item they approved was challenged by the City Council. She stated that Vice Chair Nguyen called Case No. 2022-370 (PACE Elderly day healthcare facility) approved on May 3rd for a City Council review. She opined there was no legally allowable reason to challenge the Planning Commission's decision. She provided the planning commissioners and update about the City Council Hearing.

She then stated that Vice Chair Hamade was absent from the last meeting and she wanted to reiterate that there won't be visitors to the center, you cannot put surveillance cameras inside within patient areas, and all patient loading and unloading will be done at the rear of the site and the vans will likely be parked off-site when not in use. She reminded the Commission that their scope regarding individual projects was limited to land use valuations only ensuring that the project is consistent with the General Plan, applicable Specific Plans, Zoning Ordinance, and other land use policies and regulations. That scope did not include dictating how businesses conduct themselves.

Vice Chair Hamade responded to Ms. Rains' comments stating that her recollection of his statement regarding cameras within the PACE facility (Case 2022-0370) was incorrect. He clarified that he did state he wanted to place camera's inside the facility originally, but after further discussion with his fellow commissioners he agreed that cameras should not be placed in the room. He stated that he ultimately wanted cameras placed outside the facility and within the hallways.

Chair Bui requested a copy of Ms. Rains' written comments that she read from during oral Communications.

Ms. Rains asked to approach the podium to respond to the discussion.

Assistant City Attorney Miyahira stated Ms. Rains may not approach. The time for oral communication had concluded. He reminded the Commission that only short responses were allowed for anyone that speaks during Oral Communications, but often involved items that were not listed on the agenda and therefore should not be discussed. Items could certainly be agendaized for a future agenda if it warranted additional discussion.

7. APPROVAL OF MINUTES – May 17, 2023 and July 19, 2023

Motion: It was moved by Commissioner Anderson, and seconded by Commissioner Wolbert, to approve the minutes of May 17, 2023, as presented.

The motion carried (4-0) with the following vote:

AYES:	ANDERSON, BUI, HAMADE, WOLBERT
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	POWER

Motion: It was moved by Commissioner Power, and seconded by Commissioner Wolbert, to approve the minutes of July 19, 2023, as presented.

The motion carried (4-0) with the following vote:

AYES:	ANDERSON, BUI, POWER, WOLBERT
NOES:	NONE

ABSENT: NONE
ABSTAIN: HAMADE

8. PUBLIC HEARINGS

8.1 ENT-2023-0043 (Tentative Parcel Map Extension of Time)

Location: 8151 18th Street

Assessor's Parcel Number: 096-191-17

Applicant: Hien Nguyen and Ann Nguyen

Project Planner: Christopher Wong, Senior Planner

PROJECT DESCRIPTION: A subdivider of land is requesting a three-year extension of time for a Tentative Parcel Map that was approved by the Planning Commission in 2021 (Case No. 2020-1004).

CEQA COMPLIANCE: In accordance with Planning Commission Resolution No. 21-003, it was previously determined the project will not have any significant environmental impacts and is Categorically Exempt from further environmental assessment under the provisions of CEQA Class 15, Section 15315, since the project consists of the division of property in an urbanized area zoned for residential use into four or fewer parcels; and the proposed division of land is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a resolution entitled, "A Resolution of the Planning Commission of the City of Westminster Approving a Three-Year Extension of Time for a Tentative Parcel Map Associated with Property Located at 8151 18th Street (Assessor's Parcel Number 097-062-14)."

Senior Planner Christopher Wong provided a PowerPoint presentation to the Commission.

Commissioner Power inquired if there was anything to prohibit the applicant from seeking an additional extension. Senior Planner Wong stated that the subdivision code allowed for a maximum of a three-year extension.

CHAIR BUI OPENED THE PUBLIC HEARING

Ann Nguyen, present to represent the project, stated she was available for any questions.

Vice Chair Hamade inquired if there would be any further delays with the project. Ms. Nguyen responded that she didn't believe there would be further delays. She added they were at the end of the project, their HOA plans are with the City's Engineering Division and they are awaiting approval and recordation at the County of Orange.

CHAIR BUI CLOSED THE PUBLIC HEARING

Motion: It was moved by Vice Chair Hamade, and seconded by Commissioner Wolbert, to approve a three-year extension of time for a tentative parcel map associated with property located at 8151 18th Street. The motion carried (5-0) with the following vote:

AYES: ANDERSON, BUI, HAMADE, POWER, WOLBERT
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

8.2 2022-0381 (Conditional Use Permits)

Location: 9200 Bolsa Avenue, Unit 233

Assessor's Parcel Number: 143-611-20

Applicant: Steve Bui

Project Planner: Sandie Kim, Associate Planner

PROJECT DESCRIPTION: A request to establish a new indoor amusement/entertainment (Karaoke) facility and offer the on-sale consumption of beer and wine and consider a Public Convenience or Necessity (PCN) determination as required by the Alcoholic Beverage Control (ABC) Board.

CEQA COMPLIANCE: The Project has been reviewed according to the California Environmental Quality Act (CEQA) and the City of Westminster requirements. The Project has been deemed Categorical Exempt under Class 1 of Section 15301 of the California Environmental Quality Act (CEQA), which pertains to the operation, permitting, licensing, and minor alteration of an existing private structure and facilities involving negligible or no expansion of an existing use.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a Resolution entitled: "A Resolution of the Planning Commission of the City of Westminster Approving Case No. 2022-0381, involving Two Conditional Use Permits to Allow an Indoor Entertainment (Karaoke) Facility, Allow On-sale and Consumption of Beer and Wine, and Make a Determination of Public Convenience or Necessity (PCN) located at 9200 Bolsa Avenue, Unit 233, Westminster, CA 92683 (Assessor's Parcel Number: 143-611-20)."

Associate Planner Sandie Kim provided a PowerPoint presentation to the Commission.

Discussion ensued about operating hours, nearby alcohol uses, saturation levels, and if gambling was proposed.

CHAIR BUI OPENED THE PUBLIC HEARING

Steve Bui, project applicant, offered his desire to enrich the community through leisure entertainment. He stated he was aware that there may be concerns, but the noise level and traffic flow was assessed during the processing of his request. He stated he will work with local law enforcement. He offered that he was here to answer any questions.

Commissioner Anderson inquired if Mr. Bui had talked to the adjacent tenants in the Mall and if he had previous experience running a karaoke facility. Mr. Bui stated that he had previous experience managing a karaoke location and that he had not personally spoken to adjacent tenants, but his property management team had.

Commissioner Anderson inquired about the alcohol and how Mr. Bui would ensure that additional alcohol was not brought in. Mr. Bui confirmed they would be selling beer and wine as refreshment and that he had security staff during business hours to ensure additional alcohol is not brought in, and cameras are also set up in every room.

Discussion ensued about ventilation, sound proofing, and security.

Thanh Nguyen stated he is a partner of Steve Bui and he would be the full-time manager on the site. He added that he just moved to the mobile home park behind the business so he would be able to arrive to the business in a few minutes.

Kathy Buchoz, representing the property owner as a consultant, provided the history of the Mall and stated that it was well visited as a tourist destination. She offered that karaoke had a cultural significance and would be a great addition to the Mall. She stated that the Mall had their own 24-hour security guards and they have security cameras everywhere that is constantly monitored by a security booth.

Lyna Le, property manager for the Mall, provided some history of the Mall and explained that most of the businesses close by 6:00 PM and there was really no other nightlife in the area. She offered that there was a shift in how the older generation and younger generation wish to be entertained, mentioning several adjacent cities with entertainment options that also include alcohol. She stated that karaoke is very culturally connected to many southeast Asian families. She concluded that she really cared about the Mall and would not be here promoting a business that would be harmful to the mall.

Terry Rains commented that the project took too long to process and felt that the City should do better to encourage business in the City. After providing a timeline of the

project delays, she urged the Commission to approve the request so the business may open.

Chair Bui asked for the applicant to return for some additional questions. He asked if Mr. Steve Bui ever experienced any major incidents in other karaoke facilities that he has managed. He also inquired how he would make sure no minors entered the facility. Mr. Steve Bui explained that the only incidents he has experienced was a patron being too loud or consuming too much alcohol and they would simply ask the patron to leave without incident. He added that all patron's identification would be checked upon entry to ensure no minors are admitted.

Commissioner Anderson inquired how many staff members would be working during the hours of operation. Mr. Bui responded that there would be between two to six staff members available depending on the volume of patrons. He provided an example that on Fridays and Saturdays there would likely be six staff members working.

Discussion ensued about advertising, required attire at the facility, and age limits of patrons.

Mr. Steve Bui thanked the Commission for reviewing his project. He offered that it had been over a year since he submitted his application and delay had taken a financial toll after a year of not being able to open. He asked the Commission to take that into consideration.

CHAIR BUI CLOSED THE PUBLIC HEARING

Commissioner Anderson stated that he thought staff did a great job with the presentation. He felt the business was proposed in a great location. The Police Department didn't have any concerns if the conditions are followed. There is 24- hour security on site. He was in favor of approval.

Motion: It was moved by Commissioner Anderson, and seconded by Vice Chair Hamade, to approve Case No. 2022-0381, involving two Conditional Use Permits to allow an indoor entertainment (karaoke) facility, allow on-sale and consumption of beer and wine, and make a determination of Public Convenience or Necessity (PCN) located at 9200 Bolsa Avenue, Unit 233.

The motion carried (5-0) with the following vote:

AYES:	ANDERSON, BUI, HAMADE, POWER, WOLBERT
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

9. REGULAR BUSINESS - None

10. REPORTS - None

11. MATTERS FROM STAFF

Planning Manager Ratkay thanked Planning Commission, the Public Cable Television Authority (PCTA) crew, and staff for their efforts to run a successful meeting.

12. MATTERS FROM THE PLANNING COMMISSION – INCLUDING AB1234 REPORTS WHEN REQUIRED

Commissioner Wolbert commented that he hoped that Chair Bui would sing some country music at the karaoke venue they just approved tonight.

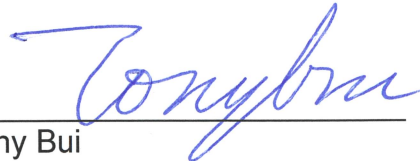
Vice Chair Hamade stated that it was very important to bring business to the City. He added that people have been locked up with Covid-19 for almost four years, so it was about time for people to get out and have fun.

Kathy Buchoz returned to the podium to thank the Commissioners for their approval of the project. She promised to make it a wonderful place to attend and extended an invitation to the grand opening of the business.

Chair Bui thanked the staff and the video crew for their assistance with the meeting.

13. ADJOURNMENT

The meeting was adjourned at 7:43 p.m. to a regular meeting on Wednesday, August 16, 2023 at 6:30 p.m.

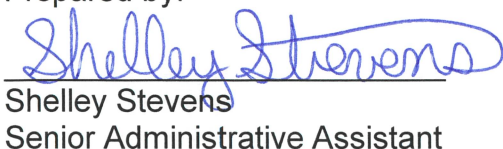


Tony Bui
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Stevens
Senior Administrative Assistant