PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
February 1, 2012
6:30 p.m.

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1. ROLL CALL: BERTELS, HO, OH, TURRO, VO

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

2. SALUTE TO FLAG:

Chairman Vo

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Art Bashmakian mentioned that staff received a folder relating to Item 8.1 Case No. 2011-66 Conditional Use Permit.

4. EX PARTE COMMUNICATIONS

None

5. SPECIAL PRESENTATIONS

None

6. ORAL COMMUNICATIONS

The Planning Commission allowed Ronald St. John of 5301 Berkeley Avenue, speak on behalf of Westminster Elks Lodge No. 2346, to follow-up on their representative Natalie McKee's request that the City adopt a remote caller bingo ordinance in order to raise funds for their non-profit organization.

Art Bashmakian stated that Planning Division has not received the request but he would provide appropriate direction to Mr. St. John related to his request.

7. APPROVAL OF MINUTES – Regular Meeting January 18, 2012

The minutes of the regular meeting of January 18, 2012 were approved on motion of Chairman Vo, seconded by Commissioner Ho, and carried 3-0, Commissioners Bertels and Ho absent.

8. PUBLIC HEARINGS

8.1 Case 2011-66 Conditional Use Permit
Location: 14541 Brookhurst Street #A3 (Assessor's Parcel Number 098-594-11) Ocean Blue Restaurant

An application to amend an existing conditional use permit (Case No. 2006-94) to allow a sports bar in conjunction with an existing restaurant (Ocean Blue) with extended business hours of operation and additional television displays.

RECOMMENDATION: Staff recommends that the Planning Commission approve amendments to an existing conditional use permit (Case no. 2006-94) to allow a sports bar in conjunction with an existing restaurant with additional television displays subject to conditions of approval.

Chris Wong made a brief presentation on the proposed amendments to the existing conditional use permit. He stated that the two letters of opposition concerning noise and safety were received by staff and included in the Commissioners' agenda packets. Related to Condition No. 7 Chris pointed out that the last sentence should be deleted as it is a duplicate of Condition Numbers 47, 49 and 51. Furthermore, after the second to the last sentence ending with "above", he added specific hours of operations. Based on staff findings and analysis, he recommended that the Planning Commission approve amendments to an existing conditional use permit subject to the conditions imposed by staff and the Police Department. He mentioned that staff from the Police Department is present and available to answer any questions.

The public hearing was opened and speaking in favor were the following:

Applicant Thy Le, 7652 Gonzaga Place, stated that they purchased the business in late October 2011 under false information by the former owner that late entertainment and late operating hours were allowed. It was only after they have started operation when they discovered the misrepresentation. She apologized to the Commission for not verifying the documents, contending it was a learning experience for them and resolved that they will operate in accordance with applicable regulations under the amended conditional use permit. She stated that in order that to remain competitive with other surrounding business, they are requesting a sports bar, late hours, and additional television displays. She indicated that she had talked to neighboring businesses regarding any concerns specifically noise and security. She provided her telephone number to these people if they needed to contact her. She promised that she will work closely with City staff during the 90-day trial period to mitigate the noise and is presently

contracting a licensed acoustic engineer to perform an acoustic analysis if the permit is approved. She stated that the kitchen and side doors which were previously left opened, will remain locked at night at all times and will not allow trash to be taken out at night. She added that they have a security guard every night to check on the safety of the clients. Finally, she thanked City staff for their assistance in working on the conditions.

Prom Balani, 9788 Bird Court, Fountain Valley, had patronized the restaurant since the new owners took over. He indicated that the owners are very customer friendly, hard working, treat the employees fairly, keep everything in control by hiring a security guard, and sincere in what they are trying to accomplish.

Steve A. Nagel, 9800 James River Circle, Fountain Valley, stated that since the new owners took over, he had seen dramatic changes in the business operations such as hiring a security guard and reaching out and working with the surrounding neighborhood to help mitigate the noise.

Denise Dang, 16262 Lunar Street, has worked in the restaurant since the new owners took over. She contended that it is a very safe environment as she has never experienced any fight since working there. She explained that the Police Department calls were due to noise and the owners are trying to address that problem as they will comply with all the conditions imposed by City staff.

Speaking in opposition, Javad Arain, 9961 Cheshire Avenue, lives directly behind the border of the business establishment. While all the other seven restaurants in the commercial area are located along the main street away from the residents, the subject restaurant is only 50 feet within the surrounding residents. He sympathized with the applicant about the former owner's misrepresentation but believed that she did not do her due diligence. He added that there was no security during the late hours of operation and witnessed himself two assaults, two with a deadly weapon, two burglary, and nine disturbances that occurred in the commercial property. He enumerated the following complaints: people trespass his property; drunk drivers drove into their property wall and they have to fix the damage themselves; noise; burglary; narcotic sales; drugs; and loitering. He suggested that there should be a border wall between the commercial property and his own property but Chairman Vo advised that he should seek legal help and address this issue to the commercial area property owner.

Speaking in rebuttal, Ms. Le stated she empathized with Mr. Arain as she was willing to provide her telephone number to the neighbors if they needed to contact her.

The public hearing was closed.

Commercial Turro was bothered with the Police calls to the restaurant from October to December and was doubtful if it would stop.

Because the new owners were made to believe false information, Chairman Vo believed they are responsible and sincere in mitigating negative impacts to the neighborhood. He felt it was reasonable to allow them to operate within the three-month probationary period and come back for review before the Planning Commission after three months if they fail to comply with the conditional use permit.

Commissioner Ho felt that Commissioner Turro's concerns were legitimate. However, she believed that the new owners are addressing the concerns and felt that the conditions imposed including the three-month trial period to mitigate the noise was sufficient to approve the proposed amendments.

Commissioner Turro stated that staff should review compliance within three months so that if there are violations like the past, the applicant should abide with staff and Police Department conditions.

On motion of Chairman Vo, seconded by Commissioner Ho, and carried 3-0 (Commissioners Bertels and Oh absent), the Planning Commission approved Case 2011-66, Conditional Use Permit (Resolution No. 12-004) amendments to an existing conditional use permit to allow a sports bar in conjunction with an existing restaurant with additional television displays subject to conditions of approval.

9. REGULAR BUSINESS

9.1 Case 2011-65 Development Review – Level II
Location: 10161 Bolsa Avenue (Assessor's Parcel Number 099-554-23)

An application for a Development Review to develop an unmanned wireless telecommunications facility by replacing existing wireless antenna arrays concealed within three separate cupolas along with on-ground equipment cabinets. The facility will comprise of a total of twelve panel antennas, four ground equipment cabinets, coax cables, as well as power and telecommunication utility lines.

RECOMMENDATION: Staff recommends that the Planning Commission approve the Development Review subject to the recommended conditions of approval.

Fenn Moun presented a brief overview of the proposed unmanned wireless telecommunications development. Based on staff findings and analysis, he recommended that the Planning Commission approve the development review subject to the conditions of approval.

Representing the applicant, Amiee Weeks of Coastal Business Group, Inc. 16460 Bake Parkway, Ste. 100, Irvine, was allowed to speak. She stated that the existing facility will be updated up to code by screening the antennas, equipment and cabinets. She confirmed that they accept all the conditions of approval.

Chairman Vo moved that the Planning Commission approve Case 2011-65 Development Review – Level II (Resolution No. 12-005) subject to the recommended conditions of approval. Commissioner Turro seconded and the motion carried 3-0, Commissioners Bertels and Oh absent.

9.2 Case 2012-02 Zoning Text Amendment Initiation
Location: Citywide

Initiation of a Zoning Text Amendment (ZTA) to modify and streamline the City's development review process.

RECOMMENDATION: Staff recommends that the Planning Commission adopt the Resolution to initiate the Zoning Text Amendment.

Art Bashmakian discussed the proposed Zoning Text Amendment Initiation which will streamline the review process and mitigate some anticipated longer processing times for applicants. He recommended that the Planning Commission adopt the Resolution to initiate the Zoning Text Amendment.

On motion of Chairman Vo, seconded by Commissioner Ho, and carried 3-0, Commissioners Bertels and Oh absent, the Planning Commission adopt the Resolution to initiate the Zoning Text Amendment for Case 2012-02 (Resolution No. 12-006).

10. REPORTS – None

11. MATTERS FROM THE PLANNING COMMISSION

11.1 Case 2011-63 Study Session – Large Size Single Family Residences
Location: Citywide
Continued from 1/18/2012

Study Session regarding the possibility of limiting the size of single-family dwelling units.

RECOMMENDATION: Should the Planning Commission desire to initiate a Zone Text Amendment to limit the size of single-family residences, staff recommends that the Planning Commission request that the Mayor and City Council initiate such an amendment.

Art Bashmakian indicated that Commissioner Bertels (who has been hospitalized recently) initiated this study session. He recommended that the Planning Commission either discuss this item or postpone this item indefinitely.

Chairman Vo moved that the Planning Commission postpone this item indefinitely. Commissioner Ho seconded and the motion carried 3-0, Commissioners Bertels and Oh absent.

11.2 AB 1234 Reports None

12. ADJOURNMENT:

At 7:45 p.m., Chairman Vo adjourned the meeting to a regular meeting on Wednesday, February 15, 2012 at 6:30 p.m. in the Council Chambers.

Dave Vo
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

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Administrative Assistant