

**MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, MAY 2, 2018**

1. CALL TO ORDER

The members of the Planning Commission of the City of Stanton met in regular session in the City Council Chambers at 6:30 p.m., Chairman Greer presiding.

2. PLEDGE OF ALLEGIANCE

Led by Commissioner Gary Taylor.

3. ROLL CALL

Present: Commissioner Ash, Commissioner Grand, Commissioner Taylor, Vice Chairman Moua, and Chairman Greer

Absent: None.

Also present: Community and Economic Development Director Kelly Hart

4. SPECIAL PRESENTATION

None.

5. APPROVAL OF MINUTES

The Planning Commission approve minutes of Regular Meeting – November 1, 2017

The Planning Commission approve minutes of Regular Meeting – December 6, 2017

The Planning Commission approve minutes of Regular Meeting – January 17, 2018

The Planning Commission approve minutes of Regular Meeting – February 21, 2018

Motion: To approve the minutes of Regular Meeting on November 1, 2017, December 6, 2017, and February 21, 2018

Motion/Second: Ash/Grand

Motion unanimously carried (5 - 0) by the following vote:

AYES: Ash, Grand, Taylor, Moua, Greer

NOES: None

ABSTAIN: None

ABSENT: None

Motion: To approve the minutes of Regular Meeting on January 17, 2018

Motion/Second: Ash/Moua

Motion carried (4 - 0) by the following vote:

AYES: Ash, Grand, Moua, Greer
NOES: None
ABSTAIN: Taylor
ABSENT: None

6. **PUBLIC COMMENTS**

None.

7. **PUBLIC HEARINGS**

7A. **A PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT C17-09 TO ALLOW FOR A TYPE 47 LICENSE FOR THE ON-SITE SALE AND CONSUMPTION OF BEER, WINE AND DISTILLED SPIRITS IN CONJUNCTION WITH A BONA FIDE RESTAURANT WHICH INCLUDES LIVE ENTERTAINMENT IN THE FORM OF SIX INDIVIDUAL KARAOKE ROOMS AND MUSICAL ACTS PERFORMING BACKGROUND MUSIC DURING LUNCH AND/OR DINNER SERVICE IN THE MAIN DINING AREA LOCATED AT 11951 BEACH BLVD., UNIT J WITHIN THE CG (COMMERCIAL GENERAL) ZONE.**

Community & Economic Development Director Kelly Hart introduced this item as a request for a Conditional Use Permit to allow for the operation of a restaurant with alcohol sales and live entertainment for the property located at 11951 Beach Blvd., Unit J. The subject property is a 1.7-acre parcel located at the northwest corner of Beach Boulevard and Chapman Avenue. The site is located within the CG Commercial General Zone with a general mixed use overlay. It carries a General Plan use designation of General Commercial

Director Hart described the surrounding zoning and existing uses including single-family residential zones to the north and west of the site and commercial and retail uses in the commercial general zone to the south and east. Images were displayed which detailed the proposed site. Director Hart described the results of the parking analysis, including the provision of 108 parking spaces, not inclusive of the adjacent Carl's Jr. parking stalls.

Director Hart detailed the applicant's proposal, including the following uses: an "Asian Fusion" restaurant with full menu service for breakfast, lunch, and dinner, alcohol sales of beer, wine, and spirits, and live entertainment. As reported by the California Department of Alcoholic Beverage Control (ABC), seven (7) on-sale licenses can be issued without triggering an "undue concentration." There are currently three (3) on-sale licenses within the tract. Director Hart described a similar use on the subject property a few years ago. The Planning Commission would not need to make a finding of public convenience to approve the applicant's use as there would not be an undue concentration of licenses.

Director Hart detailed the applicant's live entertainment proposal, inclusive of performance based entertainment within the main dining area and karaoke within six (6) individual

karaoke rooms. The applicant is requested the following hours of operation: Sunday through Thursday, 7:00 a.m. through midnight, and Friday and Saturday from 7:00 a.m. to 2:00 a.m., with alcohol sales ceasing at least one hour before closing.

The applicant's proposed floor plan was displayed and included a 613 square foot full kitchen facility, main dining room area with 50 seats, small staging area near the bar to provide for live performance, and 6-sound proof karaoke rooms with full-menu service. In terms of the live entertainment in the main dining area, the proposal is to limit the number of performers to no more than five at any given time. Karaoke rooms will be sound-proofed. Full visibility into the karaoke rooms via tempered glass is proposed. Full dining will be available in the main dining area and karaoke rooms. At least 51% of all sales associated with the business must need to be generated from food sales, pursuant to ABC license requirements.

Director Hart noted the applicant is proposing security guards during the weekends and late hours. One would be a uniformed guard stationed at the entrance and in the parking lot area while the second would be dressed in business attire and would be stationed within the restaurant. Both guards would be fully licensed, but unarmed.

To ensure that the business is operated in a manner that is compatible with the uses within and the surrounding areas of the shopping center, a number of conditions are proposed for the application. Director Hart depicted some of the highlights of the conditions including limiting the hours of operation, requiring the sale of alcohol to cease one hour before closing, ensuring the noise generated from the live entertainment is not audible beyond the store front of the business when the doors are closed, requiring the doors remain closed when during live entertainment, providing sound-proofing in the karaoke rooms, and ensuring full visibility into the karaoke rooms via a clear-glass panel in the door to each room.

Director Hart noted that additional conditions are also provided to ensure that if substantiated complaints are received, the City would be able to further restrict the live entertainment, hours of operation, or bring the application back to the Planning Commission for further modifications.

Director Hart stated staff's recommendation to the Planning Commission to conduct the public hearing, declare the project is categorically exempt per the California Environmental Quality Act (CEQA), under Section 15301 (Existing Facilities), and adopt Resolution No. 2463 approving Conditional Use Permit C17-09. The project applicant was also in attendance at the meeting and available to answer questions.

Commissioner Grand inquired regarding the location of the stage.

Director Hart displayed the area for the stage. She noted that it is a small stage approximately 38 square feet. The entertainment as currently proposed is generally for a single performer generally to provide background music. The proposed conditions did allow flexibility with regard to how many performers can be present, however they are limited to the 38 square foot stage area.

Commissioner Grand requested clarification as to the depictions of individuals in various stages of sitting and standing in the site illustrations presented. Director Hart clarified that those are to demonstrate ADA accessibility.

Commissioner Ash noticed eight rooms and inquired as to the purpose of the additional rooms. Director Hart clarified that the additional rooms are restroom facilities, office area, and storage areas.

Commissioner Ash inquired whether there are chairs with the cushion seating. Director Hart noted there will be booths in the restaurant.

Chair Greer inquired regarding the sound-proofing. Director Hart stated that sound-proofing is not identified to a decibel level in the conditions of approval. The City does not limit the sound-proofing within the individual karaoke rooms as long as the environment outside the rooms is not impacted. Director Hart noted it would be incumbent upon the business operator to provide sound-proofing. There is a very specific condition that the main dining area cannot be at a sound level that is audible beyond the storefront and it also applies to the karaoke rooms.

THE PUBLIC HEARING WAS OPENED

Robert Aranda, resident, stated that he lives on the north side of the location. Mr. Aranda noted that he has resided in Stanton for 30 years and is against the proposal because his main concerns are hours of operation and noise with the lounge. He has small children who live in the residence and the hours of operation bring a lot of noise, a lot of extra traffic, a lot of fighting, littering, loitering, and public indecency out on the side. He does not feel it is a family establishment. There is not enough parking, residences will be impacted and there is an extra tax burden for police having to go deal with fights.

Jerry Ristrom, resident, stated that he lives a few blocks away from the subject property. He noted that he does not have a position one way or another but his concern is parking. The area already has trouble with parking and Code Enforcement is helping them clean it up. The shopping center is currently impacted with parking. At times, just driving through the parking lot is difficult. He wanted to know how many patrons are anticipated to be there at any one given time. He noted that delivery of supplies for Kragen (O'Reilly) Auto Parts and Starbucks, which are in the same parking lot, occur around 10:00 p.m. and it would affect this establishment on Fridays and Saturdays.

Anna Calderon, resident, stated that she lives only a few yards away. She noted she has a bedroom window close to the subject property and is concerned about the hours of operation, as Starbucks opens at 4:00 a.m. When they had the Lounge, there were lots of people smoking and people loitering in the parking lot.

A representative for Bay Karaoke Grill at 11951 Beach Blvd. #J, clarified it is a 1500-square foot space. The operator owns and operates another business in San Jose with a 38 square foot stage, and only a one-man band is being proposed. Alcohol operations and karaoke would shut down one-hour before closing. Earlier hours are for children's parties. He also proposed on-site security be provided by the operator. He noted that one security guard should be in the parking lot to ensure that the parking does not create an issue. He noted the Karaoke room will be sound-proofed to the point where it cannot be heard from the next room and that noise escaping from the side walls will not be an issue. There will be 20 security cameras, the back door will remain closed, and the interior noise will abide by all City standards. There will be approximately 50 seats in the dining area. He noted that he

would love for it to be busy all the time; however it will take some time for the business to build.

Commissioner Taylor inquired about the average price of menu items.

The applicant stated that prices range from \$10 up to \$35.

Commissioner Grand inquired regarding vegetarian options and whether it is necessary for the establishment to stay open until midnight Monday through Thursday.

The applicant noted that the kitchen would be closing one hour prior to closing.

Commissioner Grand noted that Friday and Saturday is "date night," however Sunday night through Thursday until midnight seems late especially because there are residences next door and they get up early for school and work.

The applicant noted that when he looked at the one-hour window, the business is technically closing at 11:00 p.m. (PORTIONS OF THE APPLICANT'S COMMENTS WERE UNINTELLIGIBLE)

Commissioner Grand noted the security guards can assist with noise and safety in the parking lot.

The applicant responded the second security guard can go out to the parking lot for the last hour to assist and minimize any impact to the residential area. He affirmed that if there is nothing going on inside, it is better to have both security guards outside.

Commissioner Ash commended the applicant for wanting to additionally sound-proof the back wall and asked for more information.

The applicant stated the sound-proofing will use a combination of sound insulation, spray foam for wall interiors, and a special wall material that helps repel the sound back into the room.

Chair Greer expressed concerns regarding loitering.

Director Hart stated that options to deter loitering include placement of "no loitering" signage placed throughout the parking lot, enabling code enforcement and police officers to enforce the security of the establishment, and having the security guards in the parking lot during the late hours.

Chair Greer stated that one of his concerns was indecency and would hate to have that issue.

(THE APPLICANT'S COMMENTS WERE UNINTELLIGIBLE)

Commissioner Grand noted residents can always call the Sheriff's Department to report issues. The Sheriff's Department will then address the matter with the applicant. The security is trained to deal with all people under these circumstances and she supports the proposal for a uniformed security guard.

Chair Greer was concerned about restaurant employees smoking outside of the establishment during "breaks."

Commissioner Grand noted that they can take their breaks in front of the restaurant.

THE PUBLIC HEARING WAS CLOSED

Director Hart detailed the process for enforcement of complaints as related to the proposed use. City staff will investigate reports of violations and make determinations of whether they warrant return to the Planning Commission for reconsideration. She described situations where she, as Director, or the Police Chief have discretion over addressing certain matters.

Commissioner Ash inquired regarding access to Santa Rita due to the existing driveway to allow access to Starbucks and inquired whether there is red curb parking along the rear portion of the proposed restaurant.

Director Hart was unable to determine the current status of red curbs on the adjacent residential streets. She noted the Planning Commission could establish a condition which would restrict the use of the driveway during operating hours which the establishment security would be responsible for enforcing.

Commissioner Ash affirmed concerns with noise and parking on the rear side of the proposed establishment, as it is residentially adjacent. He supported the applicant's desire to provide security and will encourage residents to report any violations to City staff.

Commissioner Grand voiced support for the proposed sound-proofing and inquired whether the applicant could adjust the operational hours Sunday through Thursday.

Director Hart noted that Condition No. 5 of the Resolution identifies the hours of operation and details the remedies administratively afforded to staff to further limit the hours of operation and alcohol service. Condition No. 24 provides for the Planning Commission the ability to set a public hearing regarding substantiated violation complaints received to modify or revoke the application.

Commissioner Grand expressed support for the proposed use, however cautioned that late night violations are of a concern to the adjacent residents.

Director Hart detailed three additional Conditions of Approval which staff is recommending for inclusion in tonight's action: 1. Signs shall be posted in the parking lot and throughout the property to prohibit loitering; 2. Business operator shall be responsible for ensuring patrons leave the parking area in an expeditious manner. There will be no specific time period to allow for most appropriate measures; and 3. A valet parking plan shall be filed with the City to be implemented if the parking lot reaches more than 85% capacity. If the parking lot becomes more than 85% full, they would implement valet parking on the days where parking is an issue.

Commissioner Taylor inquired as to how the 85% threshold would be determined.

Director Hart stated the condition is based on the level of capacity of the parking lot. It would be the applicant's responsibility to provide valet parking.

Commissioner Ash thanked the residents for coming and referenced the community's input into this project.

A motion was made by the Planning Commission to declare that the project is categorically exempt per CEQA section 15301 (Existing Facilities), and adopt Resolution No. 2463 approving Conditional Use Permit C17-09, and to include the three additional Conditions of Approval recommended by staff as part of tonight's report.

Motion/Second: Taylor/Moua

Motion unanimously carried (5 - 0) by the following vote:

AYES:	Ash, Grand, Greer, Moua, Taylor
NOES:	None
ABSTAIN:	None
ABSENT:	None

Chair Greer announced the 10-day period during which the Planning Commission's decision on this matter may be appealed to the City Council via written appeal submitted at the City Clerk's Office.

8. NEW BUSINESS

None.

9. OLD BUSINESS

None.

10. PLANNING COMMISSION COMMENTS

Commissioner Ash expressed gratitude for the Planning Commission, staff, and resident's professional demeanor when addressing community concerns.

Commissioner Grand announced the May 12, 2018, Annual Car Show.

11. DIRECTOR'S REPORT

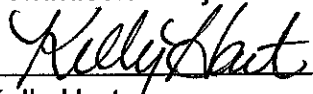
Community & Economic Development Director Kelly Hart announced Julie Roman's upcoming retirement celebration and commented on her 30 years of community public service.

Director Hart announced the upcoming Planning Commission meeting on May 16, 2018, with multiple items, including the residential portion of the Village Center Project.

Director Hart reported her upcoming attendance to the International Council of Shopping Centers Conference in Las Vegas, along with the City Manager, to work on the City's economic development strategy and bring in more businesses.

12. **ADJOURNMENT**

Commission adjourned at 7:24 p.m.



Kelly Hart
Community & Economic Development Director