

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Senior Center Dining Hall Room**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**November 2, 2005**  
**6:30 p.m.**

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- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, November 2, 2005 called to order in the Senior Center Dining Hall Room, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Cruz, Krippner, Turro  
Commissioner absent: Nguyen
- Staff Attendance** Art Bashmakian, Interim Planning Director; Steve Ratkay, Associate Planner; Michael Patterson, Assistant Planner; Maria Moya, Department Secretary; and Christian Bettenhausen, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Bertels.
- Approval of Minutes** The minutes of the regular meetings of October 5, 2005 and October 19, 2005 were approved on motion of Commissioner Bertels, seconded by Commissioner Cruz, and carried 4-1, Commissioner Nguyen absent.
- Oral Communications** There were no Oral Communications received.
- Written Communications** There were no Written Communications received.
- Public Hearing** A. Case No. 2005-48 – Conditional Use Permit. Located at 15348 Beach Boulevard, CUP for on-sale beer and wine at an existing restaurant. The applicant is requesting a conditional use permit for an Alcoholic Beverage Control Type 41 license for the sale of beer and wine for on-site consumption at an existing 1,416 square-foot restaurant known as Pho Ben Thanh.

STAFF RECOMMENDATION: Planning staff recommends that the Planning Commission approve Case No. 2005-48 (Conditional Use Permit) subject to the conditions stated in the attached draft resolution.

Commissioner Nguyen arrived at 6:35 p.m.

Mr. Michael Patterson provided a brief presentation on the background and analysis of the proposal. Based on staff analysis, Mr. Patterson recommended that the Planning Commission approve Case No. 2005-48 (Conditional Use Permit) subject to the conditions stated in the draft resolution.

The public hearing was opened.

Speaking in favor of the proposal was the applicant, Ms. Farah Huynh, 15348 Beach Blvd. and Mr. Nguyen Vu of the same address. They were available to answer any questions.

No one spoke in opposition and the public hearing was closed.

Chairman Turro confirmed with Ms. Huynh that the daily hours of operation of 7 a.m. to 10 p.m. includes a one hour preparation time before the restaurant opens to the public at 8 a.m. Only the closing hours on Friday, Saturday, and Sunday will change as proposed by the applicant.

Commissioner Cruz inquired why Conditions 4 and 5 in the draft resolution were excluded in staff report's Page 3, Crime Rates and Over-Concentration, last sentence. Staff explained that the Police Department had requested certain conditions for the proposal which staff felt were needed to be identified and emphasized in the staff report. However, Conditions 4 and 5 are standard conditions that will be included in the resolution.

Commissioner Krippner commented that because the 12 a.m. closing time gives the impression that there is only five hours of operation from 7 a.m.; the operating hours should be corrected to 8 a.m. to 12 midnight daily. Ms. Nguyen, however, informed the Commission that she intends to open the business at 9 a.m. – 10 p.m., Monday to Thursday, and 8 a.m. – 12 midnight on Friday, Saturday, and Sunday.

Motion

Commissioner Bertels moved that the Commission approve Case No. 2005-48 (Conditional Use Permit) subject to the conditions stated in the draft resolution. Commissioner Cruz seconded.

Commissioner Nguyen stated that in his visit to the proposed site, he noticed there are two handicapped parking spaces directly in front of the restaurant. Ms. Nguyen informed the Commission that she had requested the owner of the property to relocate the parking spaces, but have not heard from them. Mr. Bettenhausen explained that this issue is dependent upon the owner of the site and the applicant's agreement.

The motion carried 5-0.

**New Business** There was no New Business scheduled for review.

**Old Business** There was no Old Business scheduled for review.

**Administrative Approvals** The Planning Commission received notification that there was no administrative approvals during this reporting period.

**Reports and Comments:**

**Planning Director** None

**City Attorney** None

**Planning Commissioners** Commissioner Cruz suggested that the Planning Commission cancel the December 21, 2005 meeting because of the holidays. The Commission unanimously agreed to cancel the December 21, 2005 meeting.

Commissioner Krippner mentioned that in recent weeks, City Council had scheduled meetings at the same time as the Planning Commission meetings. Because of this, he suggested that the Commission consider a different meeting day instead of Wednesday. Chairman Turro indicated that Tuesday would be a problem with his schedule but would look into it. Commissioners Bertels, Cruz, and Nguyen indicated that only Tuesday and Wednesday nights would work for them. Mr. Bashmakian indicated that this item will be included in the next agenda.

Commissioner Cruz mentioned that he had reported the following violations at 8501 Jennrich Avenue to Ms. Vicki Morgan, Code Enforcement Manager, for doing cement work in the sidewalk to add another driveway, converting the garage, and making additional work in the backyard that may not comply with City Code. Up to this time, he stated that Ms. Morgan has not checked the violations and the illegal work in the residence is now complete. Commissioner Cruz stated that he expects a report from Code

Enforcement right away after the violations are reported to them. Commissioner Bertels added that the rabbit hutches are still in the front yard of 15721 Candlewood, and the parkways planted with unwanted palm trees along the end of Candlewood Street remain. Mr. Bashmakian responded that he would pass these on to Mr. Don Anderson, Community Development Director. However, Commissioner Bertels suggested that Mr. Bashmakian go directly to Ms. Morgan. Mr. Bashmakian assured the Commissioners that he would email them staff's findings on the reported violations including Public Works Director Marwan Youssef's response to the unwanted trees planted along Candlewood.

Commissioner Nguyen acknowledged the assistance provided to him by the Planning staff whenever he asked them.

**Adjournment**

The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Maria Moya  
Department Secretary