



**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
October 3, 2007
6:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, October 3, 2007 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Chow, Krippner , Tran, Turro
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Steve Ratkay, Associate 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 Krippner.
- Approval of Minutes** The minutes of the regular meeting of September 19, 2007 were approved on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0.
- Oral Communications** None
- Written Communications** None

Public Hearing A. Case 2007-43 Site Plan Review, Design Review, Sign Program (Continued from 9/19/2007). Location: 15601 Beach Boulevard (Assessor's Parcel Number 142-341-10).

The applicant is proposing: Exterior architectural modifications to the façade of an existing commercial building; the re-stripping of the existing parking areas to add one additional parking space; adding a new trash enclosure at the rear of the lot; a sign program which includes a freestanding, skirted pole sign, whereas the City's design manual encourages monument signs instead.

STAFF RECOMMENDATION: That the Planning Commission continue Case No. 2007-43 to their meeting of October 17, 2007, in order to give the applicant additional time to have public notices delivered to all tenants of residential properties that are located on parcels that abut the project site.

Mr. Art Bashmakian indicated that staff is recommending this item to be continued to October 17, 2007 per applicant's request for additional time to deliver public notices to adjacent residential properties.

Motion

On motion of Chairman Turro, seconded by Commissioner Chow, and carried 5-0, the Planning Commission continued Case No. 2007-43 to October 17, 2007 to give the applicant additional time to have public notices delivered to all tenants of residential properties that are located on parcels that abut the project site.

B. Case 2007-67 Conditional Use Permit (Continued from 9/19/2007) Location: 200 Westminster Mall (Assessor's Parcel Number 195-373-11). Target – Westminster Mall.

Application for a conditional use permit to allow for the sale of packaged beer and wine for off-site consumption at an existing commercial retail store. (Target).

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit based on the findings and subject to the conditions as outlined in the draft resolution.

Mr. Bashmakian made a brief presentation on the applicant's request to sell beer and wine for off-site consumption at an existing commercial retail, store. He indicated that based on its findings, analysis, and conditions listed in the draft resolution, staff supports the request despite the over saturation of ABC license and high crime rate within the district as it will not diminish the value of adjacent properties and is consistent with the general intent and purpose of the zoning regulations.

The public hearing was opened.

Speaking in favor of the proposal was Target representative, Ms. Beth Aboulafia of 260 California Street, Suite 1001, San Francisco. She informed that Laura Zizuto of Westminster Target was also present. She indicated that Target's beer and wine section will be a very small portion of the overall sales of the store and will only be incidental to the general merchandise nature of Target Store. She stated that Target has put together a dedicated alcohol sales program for its employees to ensure that beer and wine are sold only to those of age. According to Ms. Aboulafia, only a few of Target's 170 stores had encountered alcohol sales problem and the employees involved were either disciplined or terminated.

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

Motion

On motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0, the Commission approved the conditional use permit based on staff findings and subject to the conditions outlined in the draft resolution.

C. Case 2007-63 Conditional Use Permit Location: 9066 Bolsa Avenue (Assessor's Parcel Number 143-601-05) Green Wasabi.

This project entails the request for an on-sale beer and wine (Type 41) license to allow sale and consumption of beer and wine in conjunction with an existing 1,280 square foot restaurant. The subject restaurant/tenant space is located within an approximately 19,800 square foot commercial center.

STAFF RECOMMENDATION: That the Planning Commission deny Case No. 2007-63 based on the findings outlined in the draft resolution.

Mr. Bashmakian stated staff does not support the applicant's proposal to sell beer and wine in conjunction with an existing restaurant as the area is in a high crime district, and an additional outlet could contribute to problems regarding public safety and welfare of area residents as well as potential negative impacts to Police services. Based on these, staff recommended denial of the proposal.

The public hearing was opened and speaking in favor of the proposal was Mr. Bao Dinh of 6951 Fairman Street, Lakewood. He stated that they were not aware their business location was in a high crime area when they applied for a conditional use permit.

Despite concerns from City staff, Mr. Dinh stated that the Police Department would support the request with conditions imposed. He indicated they will limit operating hours from 11 a.m. – 10 p.m. and will serve beer and wine only with meals.

Mr. Trinh Pham, owner of the restaurant, indicated that he will not allow customers to go over the limit with beer and wine consumption. If the customers plan to drive, he stated that a taxi service will be provided to them to avoid any problems.

The public hearing was closed.

Commissioner Chow stated she has visited the restaurant a few times and observed that it is nice, clean, and patronized by professionals as it is only the sushi place in the area. She contended that the district has less than 8 percent of the average crime rate compared to Target's 26 percent rate over the average number of crimes for the district. Commissioner Chow was supportive of the request if the operating hours were modified and suggested the applicant come back to staff after six months for review.

Commissioner Tran concurred with Commissioner Chow and added that there are only a few restaurants in the southern part of the Bolsa Corridor that sell beer and wine.

Due to numerous factors that impinge on the sales of beer and wine and since he was uncertain about Commissioner Chow's term, "unfairness", Commissioner Krippner intends to abstain.

Motion

Commissioner Chow moved that the Planning Commission approve Case No. 2007-63 based on the resolution to be considered on October 17 including modification of operating hours from 11 a.m. – 10 p.m. daily and requiring the applicant to come back after six months for staff review. Commissioner Tran seconded. Mr. Bashmakian explained that by default, staff can call up the permit for review anytime if there is a problem. Based on staff comment, Commissioner Chow rescinded the requirement to come back in six months.

The motion carried 4-1, Commissioner Bertels dissented.

Reports

- A. **Case 2007-02 Conditional Use Permit. Location: 15430 Brookhurst Street (Assessor's Parcel Number 108-553-25). Cajun Corner.**

Review of Resolution No. 2007-02 – A Resolution of the Planning Commission of the City of Westminster approving Case No. 2007-02 pertaining to a Conditional Use Permit for on-sale of beer and wine in conjunction with an established, full service, 1,650-square foot restaurant located in an established commercial center.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution No. 2007-02.

Mr. Bashmakian indicated that the Planning Commission approved Case No. 2007-02 at their meeting of September 19, 2007 directing staff to prepare a resolution of the action for consideration.

Motion

Chairman Turro moved that the Planning Commission adopt Resolution No. 2007-02, seconded by Commissioner Chow. The motion carried 3-2, Commissioners Bertels and Krippner dissented.

B. Case 2007-77 Design Review – Level 2. Location: 15054 Moran Street (Assessor's Parcel Number 143-621-04).

The applicant is requesting approval of one pylon sign.

STAFF RECOMMENDATION: That the Planning Commission determine that a pylon sign is inappropriate for the site and inconsistent with the City's adopted design standards.

Mr. Steve Ratkay stated that the applicant is requesting permission to construct a 25-foot high pylon sign in contrast to the City's regulations encouraging monument signs. Based on staff findings, Mr. Ratkay indicated that staff believes pylon sign is not appropriate for the site as it is inconsistent with the City's adopted Design Standards and sign regulations.

Commissioner Chow expressed concern that the cars parked along the street fronting the building will block the visibility of a monument sign. She added that because the building is long and narrow with its side on the front of the street, a pylon sign was necessary to allow more visibility for the businesses.

Mr. Ratkay clarified that with future development in the area, street parking will be eliminated and monument signs will be encouraged to support a pedestrian friendly environment. Commissioner Chow felt that businesses will suffer because this goal will take years to achieve.

Commissioner Krippner concurred with Commissioner Chow that a monument sign will eliminate visibility and suggested a pylon sign

that will be drawn farther back from the curb of the existing street to allow future street widening.

Since he has seen things changed into a mess in many neighborhoods in the City, Commissioner Bertels believed this was a good location to start enforcing monument signs and improve the City's image.

Chairman Turro indicated it was important to plan ahead and he will support staff's recommendation.

Motion Chairman Turro moved that the Planning Commission determine that a pylon sign is inappropriate for the site and inconsistent with the City's adopted design standards, seconded by Commissioner Bertels.

Motion Making a substitute motion, Commissioner Chow moved that the Planning Commission approve a pylon sign for the site but reduce the height according to staff's recommendation. Commissioner Krippner seconded Commissioner Chow's substitute motion.

The Commission allowed Mr. Sam Bui, sign contractor, of 14872 Dillow Street, to speak. He clarified that the picture is a misrepresentation as it shows the pylon sign equal to the height of the building. He stated that the 8-foot wall that will be built along the residential areas will block the visibility of a monument sign.

Commissioner Chow's substitute motion failed 3-2, Chairman Turro, Commissioner Bertels and Tran dissented.

Chairman Turro's original motion carried 3-2, Commissioners Chow and Krippner dissented.

Administrative Approvals The Planning Commission received notification that there was no Administrative Approval item reviewed by the Planning Manager.

Items from the Planning Commission None

Comments: Planning Commissioner Referring to Case 2007-77, Commissioner Krippner commented that Commissioner Chow had valid points and changes will continue to happen in the City including the expansion of the street in that particular vicinity.

Commissioner Bertels pointed out that the City should plan ahead and start to improve signage throughout the city.

Commissioner Tran left the dais at 8:06 p.m.

Commissioner Chow commented that for all the proposals that come before them, the Commission should not strictly abide by City Codes and regulations but must be willing to make any exception and take everything into consideration.

Planning Manager Mr. Bashmakian stated that at its meeting next week, the City Council will make a proclamation recognizing the month of October as Community Planning Month.

City Attorney None

**Reporting on
AB 1234** None

Adjournment The meeting was adjourned at 8:20 p.m. to the Planning Commission meeting of October 17, 2007 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Department Secretary