

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**February 21, 2007**  
**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, February 21, 2007 called to order in the Westminster Council Chambers, at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Chow, Contreras, Krippner, Lam, Turro  
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Phil Bacerra, 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 Lam.
- Approval of Minutes** The minutes of the regular meeting of February 7, 2007 were approved on motion of Commissioner Krippner, seconded by Chairman Lam, and carried 5-0.
- Oral Communications** None
- Written Communications** None
- Public Hearing** A. Case 2006-94 Conditional Use Permit. Location: 14541 Brookhurst Street #A3 (Assessor's Parcel Number 098-594-11). Caravan Seafood Restaurant. (Continued from PC Meeting 2/7/07). The project entails the request for an On-site General (Type 47) alcohol license to allow sale and consumption of alcohol beverages and entertainment in conjunction with a recently remodeled 6,000 square foot restaurant under new ownership and within an established commercial center.
- STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-94 based on the findings and conditions as outlined in the proposed resolution.

Mr. Art Bashmakian indicated that this item was continued from the last meeting of February 7, 2007 to allow the applicant to speak in tonight's public hearing. He mentioned that not included in the original application was the applicant's recent request to extend the business' closing time from 10 p.m. to 11:30 p.m. on Friday and Saturday nights when wedding parties and banquets are usually held. He added that staff had included in the conditions of approval prohibiting the establishment of a bar or lounge. He summarized staff findings and analysis of the proposal, and based on its study, recommended approval of the conditional use permit based on the conditions listed in the draft resolution.

The public hearing was opened.

Speaking in favor of the proposal was the applicant and owner of the restaurant, Mr. Vincent Fang, of 14541 Brookhurst Street. He apologized for now showing up in the last public hearing because of miscommunication as he did not receive any notice on the public hearing. He requested that the Planning Commission approve this request.

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

Commissioner Lam indicated that his findings showed that it is a fine dining restaurant. He stated that it was typical of Chinese/Vietnamese restaurants to have a platform to introduce the bride and groom's families during wedding receptions and a small area for music entertainers. Commissioner Lam added that the applicant has an ABC license and make their living from wedding parties. He stated that he is very familiar with the whole shopping center and this restaurant is the only fine dining in the area.

Commissioner Krippner stated that Commissioner Lam has good experience with restaurants and the Police Department says it is reasonable if the restaurant's common use is only for special events. However, if it becomes a regular nightclub, Commissioner Krippner stated that the City could receive complaints.

Commissioner Chow reminded the Commission that this proposal is for fine dining only and even if special events occur on a weekly basis or there is over saturation of ABC license in the area, she would still be in favor of it.

Chairman Turro indicated that he has very little objection serving alcohol to compliment with food. Referring to applicant's letter

dated December 8, 2006 he asked staff if security will be provided in the premises during special event nights and wanted this included in the conditions of approval. Mr. Fang confirmed that security will be provided.

Mr. Bashmakian explained that over saturation of ABC license for on sale and off sale of liquor is based on census tract and population. If there is over saturation, staff makes a determination based on special public convenience or necessity. However, if the use of alcohol is incidental to food, a special determination is not necessary as in this case. Mr. Bettenhausen concurred with Mr. Bashmakian.

Commissioner Chow concurred with Commissioner Lam that serving alcohol during weddings is part of the Chinese/Vietnamese tradition and culture and was not against the closing time of 11:30 p.m. on weekends. Commissioner Krippner understood that serving alcohol during special events is a tradition typical for all cultures, but he does not want any potential abuse of alcohol.

Chairman Turro was glad the applicant's ABC affidavit has been submitted. He felt that the business could operate until 10:00 p.m. on Friday and Saturday for three months, and when the applicant is ready, the applicant can come back to the Commission which will determine if the hours can be extended to 11:30 p.m.

Motion

Commissioner Lam moved that the Planning Commission approve Case No. 2006-94 based on the findings and conditions as outlined in the proposed resolution for a three-month trial on the hours of operation until staff can review, without public hearing, if longer hours will be granted. Chairman Turro seconded.

Chairman Turro felt that closing hours of 10 p.m. Monday-Thursday, and 10:30 p.m. Friday and Saturday were acceptable and will not be against closing time of 11:30 p.m. as it will be better for the applicant.

Motion

Commissioner Lam amended his previous motion to state that the Planning Commission approve Case 2006-94 based on the findings and conditions outlined in the proposed resolution including the additional conditions as follows: hours of operation will be from 10 am to 10 p.m. Monday through Thursday; 10 a.m. through 11:30 p.m. Friday, Saturday, and Sunday as long as security, approved by the Police Department, is provided in the premises during special events. Chairman Turro who seconded the original motion,

was agreeable to the amendment. The motion carried 4-1, Commissioner Krippner dissented.

- B. Case 2006-91 Conditional Use Permit. Location: 9550 Bolsa Avenue, Suite #115A (Assessor's Parcel Number 143-021-03). Saigon Buffet. Application for a Conditional Use Permit to allow an on-sale Beer and Wine license (Type 41) to allow sale and consumption of beer and wine together with a proposed 3,900 square foot restaurant.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit for Case No. 2006-91 based on the findings and conditions as outlined in the proposed resolution.

Mr. Bashmakian made a brief presentation to allow sale and consumption of beer and wine together with a buffet restaurant and recommended that the Planning Commission approve the proposal based on the findings and conditions included in the draft resolution.

The public hearing was opened and the applicant representing the business owner, Ms. Abigail Wei of 573 Monterey Pass Rd, Monterey Park, was allowed to speak. She was in favor of the project stating that the business owner has invested \$.5 million to improve the former supermarket. She indicated that it will be a fine dining buffet style restaurant which she hopes would benefit the community.

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

Commissioner Chow inquired about the difference in the business names in the Affidavit for Conditional Use Permit Application and plans indicating "Lang Nuong Restaurant" while the staff report have a different name, "Saigon Buffet". Ms. Wei explained that their original proposal was a barbecue restaurant "Lang Nuong Restaurant" but changed their proposal to a fine dining buffet restaurant "Saigon Buffet". Commissioner Chow indicated that a barbecue restaurant usually draws more social drinkers while buffet dining is more family oriented. Since the signatory in the ABC license is the same person for both proposals, Mr. Bettenhausen advised that the Commission could still consider the item, and include a condition that would prohibit the business from transforming into a barbecue restaurant style. Mr. Bashmakian pointed out that Condition No. 28 of the previously approved project addresses this concern.

Motion

Commissioner Chow moved that the Planning Commission approve the conditional use permit for Case No. 2006-91 based on the findings and conditions outlined in the proposed resolution with the additional condition that the restaurant remains a family style buffet restaurant. Commissioner Lam seconded.

Commissioner Lam indicated that this type of buffet restaurant will cater to families. However, he commented about the parking problem in the shopping center as there a number of restaurants in the same center.

Commissioner Chow expressed concern about serving alcohol until closing time at 2 a.m. and wanted to address it. Staff responded that the Commission could restrict the hours if they felt it appropriate.

Motion

Commissioner Chow, with the approval of the second, Commissioner Lam, moved to amend her previous motion to include that the buffet restaurant will close at 11 p.m. and will stop selling alcohol at 10:30 p.m. The motion carried 5-0.

C. Case 2006-98 Conditional Use Permit. Location: 6777 Westminster Boulevard #D (Assessor's Parcel Number 203-541-28). A request to operate a vehicle rental facility within a 1,390 square foot tenant space at the Westminster Center (northwest corner of Goldenwest Street and Westminster Boulevard) and the use of 10 additional on-site parking stalls. The business is adjacent to Starbucks and Bank of America. Vehicle rental facilities require the issuance of a conditional use permit and therefore are subject to a planning commission public hearing.

STAFF RECOMMENDATION: That the Planning Commission approve Case No 2006-98 based on the findings and conditions found in the proposed resolution.

Mr. Bashmakian introduced Mr. Phil Bacerra, the new assistant planner, who made his first presentation. Mr. Bacerra described the proposal to operate a car rental facility at the Westminster Center. Based on staff findings, he recommended that the Planning Commission approve Case 2006-98 subject to the conditions included in the proposed resolution.

The public hearing was opened.

Mr. Don Popa, representing Avis Rental Car, spoke in favor. He thanked staff for its presentation and clarified that proposal is for a

Budget Rent-a-Car and Avis Rental Car is the parent company. He addressed Conditional No. 5 relating to parking location and striping and/or marking parking spaces. Mr. Popa indicated that the designated spaces will all be in one lump area on the west side of Petco. However, they will not be marked as they anticipate that it would not impact the surrounding businesses since there is an excess of more than 100 parking spaces in the center. He stated that they will have only 10 cars at all times which will be allowed to park only on designated places.

Ms. Rebecca Taylor, representative of the property owner, Weintgarten Realty, 6731 Westminster Boulevard, also addressed the parking issue. She reiterated that the center has selected a parking area west of Petco which have the least traffic impact in the shopping center. She added that there will be no maintenance permitted in the premises. Furthermore, Ms. Taylor stated they have designated an area of the public lot containing 18 spaces for the rental cars parked fronting each other but these specific spaces cannot be marked spaces based on the CC&Rs between the property owner and its tenants. Based on their experience with other rental car companies, the rental cars are parked in the premises at night and are used during the day. The center provides security in the shopping center from 10 p.m. to 2 a.m.

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

Concerned about the traffic safety issue, Commissioners Chow, Lam and Krippner felt it was necessary to mark the rental parking spaces.

To accommodate the clients' and rental cars coming in and out, Mr. Bettenhausen advised that the Commission can amend Condition No. 5 so that the rental cars will be required to temporarily park in the front of the business within a reasonable amount of time only and then moved to the designated spaces denoted in Attachment A. The applicant informed Mr. Bettenhausen that the area denoted in Attachment A is erroneous and then identified the suggested proposed area.

Mr. Bashmakian stated that staff supports the property and business owner proposal after taking into consideration the safety of other tenants and to avoid conflicts.

#### Motion

Commissioner Lam moved that the Planning Commission approve Case No 2006-98 based on the findings and conditions found in the proposed resolution with an additional condition to include that

there will be only ten rental cars parked nose to nose within the areas designated. Commissioner Chow seconded and the motion carried 5-0.

Mr. Popa inquired if the Commission would still require the 10 spaces marked in Condition No. 5. Mr. Bashmakian stated that it is up to the Commission to impose a condition requiring marked designated spaces. The Commission confirmed that they prefer the spaces marked.

Ms. Taylor reiterated that marking the designated spaces would be against the CC&Rs and added that it was the reason why 18 spaces were provided by the owner instead of only ten spaces. She pointed out as part of the lease agreement, the rental car employees would have to direct their clients to park within the designated area.

Mr. Bettenhausen advised the Commission that a reconsideration of the original motion was necessary to make any changes.

Motion

Commissioner Lam, seconded by Commissioner Contreras, and carried 5-0 moved to reconsider the previous motion,

Mr. Bettenhausen advised that the Commission could add a condition that the rental car business cannot park any in other place other than the space designated only for the rental cars. Ms. Taylor indicated that if the designated parking spaces are not available, Budget would have to park off site. She stated that shared parking is quite common but there will be no marked spaces for any business tenant per CC&Rs. Mr. Bettenhausen advised that the Commission can add another condition to require Budget to park their rental cars off site if the 18 designated spaces are not available.

Commissioner Krippner stressed that he wants the designated parking area marked as he does not want the rental cars dumped anywhere.

Ms. Taylor indicated that she will check anchors' lease agreements if marking the designated spaces would not violate the agreements with other tenants. She also suggested numbering the 18 spaces, but the Commission was not agreeable to it.

Mr. Bashmakian reminded the Commission that they can still approve the proposal with all of staff's conditions and the applicant can appeal it to the City Council.

Motion

Commissioner Lam moved that the Planning Commission approve Case No 2006-98 based on the findings and conditions found in the proposed resolution to include: an amendment to Condition No. 5's last sentence, to state, "...These parking spaces shall be clearly marked on the parking block by cones to indicate their exclusive use by the vehicle rental facility..."; and that the property owner shall only park the ten rental vehicles nose to nose in the marked parking spaces. Commissioner Krippner seconded and the motion carried 5-0.

**New Business** A. Case 2005-01 (Amendment). Location: 13590 Beach Boulevard (Assessor's Parcel Number 097-511-02) The applicant is proposing to eliminate decorative hardscape in the vehicle display area of a pre-owned vehicle sales lot (Lexus) and preserve the existing concrete asphalt. Since the Commission approved decorative hardscape in the vehicle display area, any proposed deviation must be reviewed and approved by the Commission.

STAFF RECOMMENDATION: That the Planning Commission reconsiders its approval of decorative hardscape in the vehicle display area and determine if the applicant's elimination of decorative hardscape and preservation of concrete asphalt is acceptable.

Mr. Bashmakian indicated that the revision is not attractive as the original design but meets Code. He described the applicant's proposal and indicated that representatives from Lexus are available to answer any questions.

The Commission allowed Ms. Cindy Fleming of Fleming Architects, 192 Technologies Drive, Irvine, to speak. She stated that only the adjacent pre-owned site hardscape plan will be changed by reducing the colored concrete for financial reasons. She indicated that this area is a display lot for pre-owned cars. The total proposed landscape area is 16 per cent which is above the minimum 15 per cent requirement.

Mr. John Ong, general manager of Lexus, stated that cars will be parked on the concrete area which will save the company a substantial amount of \$200,000.

Commissioner Lam complimented Lexus and believed that the deviation would not make a big difference from the previous plan.



Commissioner Chow likes the redesign and remodeling of the Lexus sites.

**Motion** On motion of Chairman Turro, seconded by Commissioner Lam and carried 5-0, the Planning Commission approved that the applicant's request to eliminate decorative hardscape and preserve concrete asphalt is acceptable.

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

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

**Reports and Comments:**

**Planning Manager** Discussion of proposed study session 3/7/07 (6pm start)

Mr. Bashmakian thanked Mr. Bacerra for his first presentation. He indicated that the proposed study session on March 7 is canceled because the item for discussion will be incorporated in the next regular meeting. He confirmed that Commissioners Krippner and Chow will attend the Planners Institute Conference in March 21 -23. Commissioner Lam will not attend and Chairman Turro and Commissioner Contreras were not sure to attend.

**Follow up to Commissioners' Comments** None

**City Attorney** None

**Planning Commissioners' Comments** None

**Reporting on AB 1234** None

**Adjournment** The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Maria Moya  
Department Secretary