

PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
March 7, 2007
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, March 7, 2007 called to order in the Westminster Council Chambers, at 6:40 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Krippner, Lam, Turro
Commissioner absent: Chow, Contreras
- Staff Attendance** Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Chris Wong, Assistant Planner; Maria Moya, Department Secretary; and Tom Duarte, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Chairman Turro.
- Mr. Art Bashmakian corrected Section XI, page 2 of the agenda to state, "Adjournment to the Planning Commission meeting of March 21, 2007" instead of "... April 4, 2007..." since March 21 is the next regular meeting even though there will be no quorum as the majority of the Commissioners will be attending the Planners Institute Conference in San Diego. Mr. Bashmakian stated that April 4 is most likely the next meeting.
- Approval of Minutes** The minutes of the regular meeting of February 21, 2007 were approved on motion of Commissioner Lam, seconded by Chairman Krippner, and carried 3-2, Commissioners Chow and Contreras absent.
- Oral Communications** None
- Written Communications** None
- Public Hearing** A. Case 2006-54 Conditional Use Permit. Location: 9211 Bolas Avenue #120-121 (Assessor's Parcel Number 098-303-21). Rocking' Crawfish Restaurant. The applicant is requesting a

conditional use permit to allow sales of beer and wine for on-site consumption [Alcoholic Beverage Control (ABC) type 41 license] in conjunction with an existing restaurant use located in an existing retail center.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-54 based on the findings and conditions as outlined in the proposed resolution.

Mr. Chris Wong made a brief presentation to allow sale and consumption of beer and wine together with an existing restaurant and recommended that the Planning Commission approve the proposal based on the findings and conditions listed in the draft resolution.

The public hearing was opened and the applicant, Mr. Danny Ong of 9211 Bolsa Avenue, indicated that in terms of sales of the restaurant, it was important to serve alcohol as supplement to food. He added that he wants to share a taste of New Orleans, where he was born and raised, in the heart of Little Saigon. He stated that he has never operated a restaurant but his parents owned and operated one in Sacramento. Relating to the weekend operating hours of 3 p.m.–10 p.m., Mr. Ong requested the Commission to extend closing time from 10 p.m. to 12 a.m. as they have received numerous requests for birthday and anniversary celebrations (40 people maximum) during weekends. He promised to provide a safe environment for all his guests.

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

Commissioner Krippner stated that the Alcohol Beverage Control (ABC) and Police Department reports indicate that the area project has undue concentration of on-sale of alcohol. Because the proposal is within a high crime area, he felt that the Commission should not allow additional sale of alcohol in the site. Despite these concerns, Commissioner Lam stated the Police Department would still allow the ABC issuance if the business was operated as a bona fide “fine dining” restaurant. He did not foresee any problem arising from the sale of alcohol due to the fact that it will only be served with food and good security is provided in the area. He intends to vote in favor of granting the applicant’s request.

Mr. Ong confirmed with Chairman Turro that there will be no entertainment during the specials events on weekends. He also told Chairman Turro that he did not recall the assault that occurred in his business site last February 4, 2007 as reported by the Police

Department. Mr. Ong assured Chairman Turro that if potential hazardous conditions occur, they will address it right away.

Referring to the Police comments that the area is oversaturated with ABC licenses, Commissioner Krippner stressed that allowing another ABC license will be inviting additional adverse incidents and he would vote against it.

Commissioner Contreras arrived.

For the benefit of Commissioner Contreras, Mr. Tom Duarte informed him that the public hearing has opened for the first item and requested Ms. Maria Moya, secretary, to briefly summarize what has transpired.

Chairman Turro stated that he would not be in favor of extending the hours from 10 p.m. to midnight, but would not mind an 11 p.m. closing time. Mr. Ong was agreeable to Chairman Turro's suggestion.

Mr. Bashmakian advised that the conditions of approval would have to be amended if the Commission wants to extend the hours from 10 p.m. to 12 a.m.

Commissioner Krippner restated that the sale of alcohol would increase the risks of police incidents in the area considering that a shooting occurred even if there was no alcohol being served. He felt the permit should not be approved.

Commissioner Contreras clarified with Mr. Ong that alcohol will be served approximately two hours before clean-up.

Commissioner Krippner commented that it was not advisable to put the Police and lives of the public at risks for possible assaults if the project is approved.

Motion

Commissioner Lam moved that the Planning Commission approve Case No. 2006-54 based on the findings and conditions outlined in the proposed resolution with an amendment to Condition No. 3 to allow the hours of operation Monday – Thursday, 3 p.m. – 10 p.m.; and Friday and Saturday, 2 p.m. – 10 p.m.

Mr. Bashmakian proposed that the Commission allow the applicant flexible opening time so that the applicant did not have to come back to the Commission if he desires to open earlier to serve breakfast or brunch. Chairman Turro felt the hours should be left

as it is since Mr. Ong, as a businessman, knows what is best for his restaurant.

Commissioner Contreras seconded the motion.

Referring to staff's history analysis on page 3 of the staff report, Commissioner Krippner indicated that Mr. Ong was in gross violation and had complete disregard to the City's codes when he constructed improvements without permits in his restaurant.

Mr. Ong explained that the unpermitted improvements were already installed prior to operating his business. He assumed that all of the improvements were up to date with permits, however, as the new owner, he is taking responsibility for all the illegal construction. He indicated that he was cooperative with staff at all times.

Mr. Wong informed the Commission that Mr. Ong has submitted building permits and was not in any code violation.

The motion carried 3-1-1, Commissioner Krippner dissented, Commission Chow absent.

- B. Case 2006-87 Conditional Use Permit. Location: 14541 Brookhurst Street Suites B5 and B6 (Assessor's Parcel Number 098-594-11). Café Luc Huyen Cam. The applicant is requesting a conditional use permit to allow sales of beer and wine for on-site consumption [Alcoholic Beverage Control (ABC) type 41 license] in conjunction with an existing café use located in an existing retail center.

STAFF RECOMMENDATION: That the Planning Commission continue item No. 2006-87 as per applicant's request, in order that revised plans of may be prepared and submitted.

Motion

Chairman Turro, seconded by Commissioner Contreras, moved that the Planning Commission continue Case No. 2006-87 to the meeting of April 4 as requested by the applicant. The motion carried 4-1, Commissioner Chow absent.

Reports

- A. Study Session on the principals of the planning process.

Mr. Steve Ratkay presented a brief overview of the California Planning Guide, a document that provides the key ideas of the planning process and how it works within the legal framework of the state law. He stated that the Commission could review the document and staff will be available to answer any questions.

Mr. Bashmakian thanked Mr. Ratkay for his presentation. He imparted the meaning of planning and how it related to the Planning Division's mission statement to assist and facilitate the community in developing the best in Westminster by providing the highest quality planning services to the public. He further commented that because many of the CEQA and General Plan laws enacted in 1960s and 70s (when most of the state was suburban), some of these laws cause conflicts and controversy in planning as the state moves toward urbanization. He recognized this concern creates a challenge for everybody.

Administrative Approvals

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

Items for the Planning Commission

Comments:

Planning Manager Mr. Bashmakian thanked staff for their presentation.

City Attorney

None

Reporting on AB 1234

None

Adjournment

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Maria Moya
Department Secretary