

**PLANNING COMMISSION**  
**Minutes of Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**April 18, 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, April 18, 2007 called to order in the Westminster Council Chambers, at 6:40 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Krippner, Chow, Contreras, Lam, Turro  
Commissioner absent: None
- Staff Attendance** Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Chris Wong and Phil Bacerra, Assistant Planners; 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 Contreras.
- Approval of Minutes** None
- Oral Communications** None
- Written Communications** None
- Public Hearing** A. Case 2006-87 Conditional Use Permit (Continued from 4/4/2007). 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 2,044-square foot restaurant located in an established commercial center.
- STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-87 based on the findings and conditions outlined in the proposed resolution.

Mr. Michael Patterson indicated that at its regular meeting of April 4, 2007, the Planning Commission continued this item to the meeting of April 18, 2007 so that staff could obtain information from the City of Garden Grove Police Department (GGPD) on the applicant's business operation from 1983 to 1997. Mr. Patterson explained that the report from the GGPD indicated an incorrect business address of 9457 Bolsa Avenue for Cafe Luc Huyen Cam instead of 9547 Bolsa Avenue. However, even if the correct address was reflected, Mr. Patterson indicated that GGPD would have no existing records since all records prior to 1998 had been purged. He stated that staff's recommendation remains the same which is approving the request subject to all the conditions.

The public hearing was opened and speaking in favor of the application were applicants Mr. Michael Tran and Ms. Thanh Tran of 6032 E. Westview Drive, Orange. Mr. Than stated that their business has been in operation for over 24 years, ten of which were in the present location. He added that they will serve special dishes and provide employment for relatives from Vietnam. Ms. Than indicated that having been the owner of the restaurant for 24 years, she had never encountered any problem with the cities of Westminster or Garden Grove.

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

Commissioner Krippner considered the "fine dining restaurant" designation was not appropriate for the business since the menu displays the business name as "Luc Huyen Cahn Cafeteria". He was concerned that the census tract was already 50% oversaturated with ABC licenses because it has ten existing on-sale licenses (seven is allowed by ABC), and the four off-sale ABC licenses allowed had already been issued in the same tract. He expressed his intention to decline approval of the project.

Commissioner Chow informed the Commission that she visited the project site, met the owners, and observed that the restaurant is still under construction. She stated that it will be a restaurant but not be "fine dining". Although she expressed her approval of the proposal, she suggested that the hours of the sale and consumption of alcohol be restricted from 6 p.m. to 10 p.m., Monday to Sunday for the first three months, and by the end of the third month, staff would review the permit and report to the Commission. She proposed that the permit be non-transferable, but Mr. Christian Bettenhausen explained that the permit runs with the land unless it is revoked by the Commission.

In response to Commissioner Lam's question about the conversion of their coffee house business to a restaurant, Ms. Thanh responded that when they moved to Westminster in 1997, they already had a fully-equipped kitchen and had started serving breakfast. She stated that alcohol consumption comprise approximately 25% to 30% of their food sales.

Commissioner Lam was concerned that the kitchen is still under construction while the staff condition requires the applicant to have a fully-operating kitchen. Mr. Bashmakian considered it was good economic sense for the applicants to prepare their business in place ahead of time so that as soon as the permit is issued, they could operate as a bona fide dining restaurant. However, Commissioner Lam reiterated his concern that conditions are not being met and prefers that the applicants wait until the kitchen is fully operational. Chairman Turro understood Commissioner Lam's concern adding that alcohol should never be sold without food. The applicants informed the Commission that the construction will be completed and operational within a week. Related to this, Mr. Bettenhausen advised the Commission that it could include an additional condition prohibiting sale and consumption of alcohol until the kitchen is in full operation. In addition, Mr. Bashmakian stated ABC verifies all conditions are met before they issue any ABC license.

Motion

Commissioner Chow moved that the Planning Commission approve Case No. 2006-87 based on the findings and conditions outlined in the proposed resolution including two additional conditions, namely: prior to issuing the ABC license, the restaurant shall contain a full-operating kitchen; and alcohol sales and consumption shall be limited between 6 p.m. to 10 p.m., Monday through Sunday for the first three months from the date of ABC license issuance. After the three months, staff will make a review of the restaurant's performance and report to the Commission who may consider extending the hours of sales and consumption of alcohol at the restaurant.

Commissioner Lam seconded.

Chairman Turro indicated that he could not support limiting the hours of the sale of alcohol since he felt it would be unfair to the applicant to restrict their livelihood. He therefore would vote no because he opposes the condition limiting the hours not that he opposes the use. Mr. Bettenhausen clarified that if the Commission wished to modify the hours of 6 p.m. to 10 p.m. after the three month test period, the item would have to come back to the

Commission for review to make a determination to either extend or cut the hours of operation.

The motion carried 3-2, Chairman Turro and Commissioner Krippner dissented.

- B. Case 2006-106 Variance. Location: 13031 Goldenwest Street (Assessor's Parcel Number 203-442-50). Harley-Davidson of Westminster. The variance is a request to install a 300 square foot north-facing wall sign, where the Westminster Municipal Code limits the maximum size of such sign to 65.5 square feet, at 13031 Goldenwest Street (115 feet south of the southwest corner of Garden Grove Boulevard and Goldenwest Street).

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-106 based on the findings and conditions as outlined in the proposed resolution.

Mr. Phil Bacerra made a brief presentation on the background of the applicant's request to remove an existing north-facing 48-square foot roof sign and install a 300-square foot north-facing wall sign at their motorcycle dealership. He indicated that staff supports the request based upon staff's analysis and findings and conditions in the draft resolution.

The public hearing was opened and speaking in favor of the proposal were representatives from Quiel Brothers Sign Company, Ms. Nancy Parker and Mr. Rick Thomas, 272 South "I" Street, San Bernardino. Ms. Parker stated that the proposed sign would provide opportunity for Harley Davidson to have signage that would be visible from the 22 freeway. She stated that the perimeter of the proposed sign is 196-square feet as opposed to 300-square feet calculated by staff. Mr. Rick Thomas, sign project manager, explained that the proposed sign is proportioned to the size of the building for freeway identification. Being visible from the freeway, the proposed sign would clearly separate Harley Davidson from the existing advertising billboard on the northeast portion of the parcel.

Mr. James Clark of Harley Davidson, 13031 Goldenwest Street, displayed a picture of the separate advertising billboard on the northeast portion of the parcel which he noted threatens Harley Davidson's business since Harley Davidson has only one sign along Goldenwest Street but not a large and visible sign to separate their business from the advertising billboard.

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

Chairman Turro commented that the proposed sign is nice looking and the sign location did not bother him.

Commissioner Chow also considered it attractive, proportioned to the building, and provides visibility for the business.

Motion

On motion of Commissioner Chow, seconded by Commissioner Contreras and carried 5-0, the Planning Commission approved Case No. 2006-106 based on the findings and conditions outlined in the proposed resolution.

- C. Case 2007-02 Conditional Use Permit. Location: 15430 Brookhurst Street (Assessor's Parcel Number 108-553-25). Cajun Corner 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 (Cajun Corner) located in an established commercial center.

STAFF RECOMMENDATION: That the Planning Commission continue Case No. 2007-02 to the meeting of May 14, 2007 in order to give the applicant time to bring the restaurant into compliance with all applicable health and building codes.

Mr. Patterson requested the Commission to continue this item to provide time for the applicant to bring the restaurant into compliance with the health and building codes.

Mr. Bashmakian informed the Commission that the project was still within the time period provided by state law if it is continued to the May 14 meeting.

Motion

Chairman Turro moved that the Planning Commission continue Case No. 2007-02 to the meeting of May 14 meeting to give the applicant time to bring the restaurant into compliance with all applicable health and building codes. Commissioner Contreras seconded and the motion carried 5-0.

- D. Case 2007-13 Conditional Use Permit. Location: 15440 Beach Boulevard, #118 (Assessor's Parcel Number 107-161-10). West Coast Seafood Buffet. 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 (West Coast Seafood Buffet)

located in a retail center. No live entertainment, exterior improvements, or interior improvements are proposed.

STAFF RECOMMENDATION: That the Planning Commission approve Case No 2007-13 based on the findings and conditions found in the proposed resolution.

Mr, Chris Wong stated this was a request to authorize the sale of beer and wine for on-site consumption at the existing restaurant. He summarized the proposed project's background and indicated that staff supports the request based upon its findings, analysis, and conditions listed in the proposed resolution.

The public hearing was opened.

Applicants and owners of the restaurant, Ms. and Mr. Frank Le of 14211 Riata Street, stated they will comply with all of staff conditions.

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

Commissioner Krippner stated that he intends to support the request as the area is not oversaturated with ABC licenses.

Chairman Turro indicated it is a nice restaurant and the sale of beer and wine was necessary for the business.

Commissioner Chow was in favor of the request commending that the family restaurant has good food, good service, and nice environment.

Commissioner Lam concurred with Commissioner Chow and confirmed with the applicants that they will comply with all of staff and Police conditions.

Motion

On motion of Chairman Turro, seconded by Commissioner Chow, and carried 5-0, the Planning Commission approved Case No 2007-13 based on the findings and conditions listed in the proposed resolution.

Reports

- A. Case 2006-75 Site Plan Review, Design Review. Location: 7822-7844 14<sup>th</sup> Street (Assessor's Parcel Number 096-343-06). The applicant proposes to demolish two units and seeks approval to develop a new 8,755-square-foot apartment development consisting of 4 units on an 11,475-square-foot lot.

STAFF RECOMMENDATION: That the Planning Commission approve Case No. 2006-75 subject to the conditions stated in the proposed resolution.

Mr. Steve Ratkay pointed out an error in the draft resolution on Page 1, paragraph two, second line, which mentioned “three” units instead of “four” units. He described the applicant’s proposal and based on staff analysis and review, recommended approval of Case 2006-75 subject to the conditions stated in the proposed resolution.

Commissioner Krippner stated that the proposal will bring a big improvement in the area. Commisisoner Contreras concurred with Commissioner Krippner.

The Commission allowed the applicant, Mr. Liem Van Nugyen, of 6061 Larchwood Drive, Huntington Beach, to speak. He was available to answer any questions.

Motion On motion of Commissioner Contreras seconded by Commissioner Lam, and carried 5-0, Planning Commission approved Case No. 2006-75 subject to the conditions stated in the proposed resolution.

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

**Items and Comments From the Planning Commission** A. Request by Commissioner Chow to discuss a joint study session with the City Council  
In order for the Commission to serve the City better and to relieve staff from additional workload, Commissioner Chow felt it was necessary that the Commission meet with City Council to get direction and guidance on considering prospective applications so that the City Council does not call up the projects considered by the Commission as often. She recommended that the Planning Commission hold a joint study session with the City Council to address this issue.

Although Commissioner Krippner understood the purpose for the proposed joint study session with City Council, he stated that according to the law, the City Council has the ultimate decision whether to approve or disapprove the Commission’s actions, and felt there was no reason to meet together.

Chairman Turro stated that the Commission’s decision stands unless it is appealed to the City Council who makes the final

decision. He concurred with Commissioner Krippner that he was not in favor of a joint study session with City Council.

Commissioner Lam was agreeable either way to hold a joint study session or bring the issue to the City Council members individually. He recognized that the Commissioners' role is to alleviate City Council's workload. However, as City Council's appointees, Commissioner Lam pointed out that every Commissioner has an opportunity to share with any City Council member issues of equal importance.

In response to Commissioner Chow's question asking staff's position on the matter, Mr. Bashmakian told the Commission that staff is here to serve both the Commission and City Council. Whether City Council calls up every item or not, staff is ready to serve. The request for the joint study session is strictly the Commission's prerogative.

Mr. Bettenhausen advised the Commission to decide on the matter and briefly explained their role as Commissioners. He stated that the Planning Commission is an independent body which could make a final decision (as in a conditional use permit request) unless appealed. However, on some occasions, the Commission cannot make decisions but can recommend to City Council. He stated that the City Council is a political body and the Planning Commission is an appointed body.

Chairman Turro recommended that the Commission discuss this matter with the City Council on April 26 when all members of the City's Commissions and Committees are scheduled to meet in the Rose Center. The Commission unanimously agreed to attend the gathering and take the matter up with City Council. However, Mr. Bashmakian explained that the April 26<sup>th</sup> will be an orientation meeting and felt it was not an appropriate time to discuss the issue. Mr. Bettenhausen added that the April 26<sup>th</sup> orientation meeting was more of a social event.

The Commission voted on Commissioner Chow's recommendation. The voting resulted 3-2, Chairman Turro and Commissioner Krippner, dissented. The Commission appointed Mr. Bashmakian who will prepare a memo and speak to City Council concerning this matter.

**Comments:**

**Planning Manager** Mr. Bashmakian thanked staff for their presentation. He informed the Commission that City Council called up Case 2006-107 which



was previously denied by the Commission at its April 4, 2007 meeting. It is scheduled to be heard by City Council on May 9, 2007.

**City Attorney**

None

**Reporting on**

Commissioner Krippner mentioned there is a water crisis in California, and invited the Commission to attend "Running Dry" screening to get a better perspective on this issue.

**AB 1234**

**Adjournment**

The meeting was adjourned at 8:30 p.m. to the Planning Commission meeting of May 2, 2007.

Respectfully submitted,

Maria Moya  
Department Secretary