

**PLANNING COMMISSION  
Minutes of Regular Meeting  
Westminster Council Chambers  
8200 Westminster Boulevard  
Westminster, CA 92683  
June 20, 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, June 20, 2007 called to order in the Westminster Council Chambers at 6:40 p.m. by Chairman Turro.

**Roll Call**            Commissioners present:    Chow, Krippner, Lam, Turro  
Commissioner absent:    Contreras

**Staff Attendance**    Art Bashmakian, Planning Manager; Phil Bacerra and Chris Wong, Assistant Planners; Fenn Moun, Planning Technician; 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 June 6, 2007 were approved on motion of Commissioner Krippner, seconded by Commission Lam, and carried 4-0, Commissioner Contreras absent.

Mr. Art Bashmakian mentioned that copies of the revised page 4 of the June 6, 2007 meeting was provided to the Commission to reflect a correction on page 4, 7<sup>th</sup> paragraph, last line that should have stated the motion carried 3-2, Commissioners Contreras and Krippner dissenting. He added that Commissioner Contreras voted in opposition because of the applicant's previous ABC license violation.

**Oral Communications**        None

**Written Communications**    None

**Public Hearing** A. Case 2007-03 Conditional Use Permit (Continued from May 24, 2007). Location: 9191 Bolsa Avenue, Suite 109-111 (Assessor's Parcel Number 098-303-04). Saigon Billiard Center.

The project involves a request to allow for the operation of a 2,409 square foot billiards center. The subject tenant space will be housed within a space that is a part of a 40,000 square feet commercial/retail center (Asian Village). The space that will house the Saigon Billiard Center was formerly three spaces that consisted of retail uses.

**STAFF RECOMMENDATION:** That the Planning Commission continue this case to the July 18, 2007 Planning Commission Meeting.

Mr. Art Bashmakian informed the Commission that the applicant had requested to continue this item to work on the issues related to the different types of billiards played. He indicated this was acceptable to staff and recommended that the Planning Commission continue Case No. 2007-03 to their meeting of July 18 since the first Commission meeting on July 4 is a holiday.

Motion

On motion of Chairman Turro, seconded by Commissioner Chow and carried 4-0, Commissioner Contreras absent, the Commission continued Case No. 2007-03 to the Planning Commission meeting of July 18, 6:30 p.m. at the Council Chambers as recommended by staff.

B. Case 2006-100 Site Plan, Design Review. Location: 14541 – 14571 Brookhurst Street (Assessor's Parcel Numbers 098-594-11 and 098-594-12).

The application involves a Site Plan and Design Review for the addition and rehabilitation to a 2.74 acre light retail/service business center located in the C1 (Local Business) district. Construction of one 10,550 square-foot commercial building is proposed as well as the rehabilitation of two existing two-story retail buildings totaling approximately 42,000 square-feet. The existing carwash will be demolished to allow for required parking along the Brookhurst frontage. A total of 226 parking spaces will be provided through underground and surface parking lots. The service station at the corner is not a part of this project.

**STAFF RECOMMENDATION:** That the Planning Commission approve Case No. 2006-100 based on the findings and subject to conditions of approval outlined in the draft resolution.

Mr. Phil Bacerra made a brief presentation on the applicant's request to allow the addition and rehabilitation of an aging retail center. Based on its findings, staff recommended approval of the proposal subject to the conditions in the draft resolution.

The public hearing was opened and speaking in favor was the applicant, Mr. Young Kim of 16605 Norwalk Blvd., Cerritos. Mr. Kim stated that their proposal will improve the area and they will comply with all the conditions imposed by staff.

No one opposed and public hearing was closed.

Chairman Turro did not have any concerns and Commissioner Chow liked the improvement. Commissioner Lam was glad the car wash would be demolished as it remains an eyesore in the area.

Motion

On motion of Commissioner Chow, seconded by Chairman Turro, and carried 4-0, Commissioner Contreras absent, the Commission approved Case No. Case No. 2006-100 based on the findings and subject to conditions of approval outlined in the draft resolution.

- C. Case 2007-31 Conditional Use Permit. Location: 9741 Bolsa Avenue, Suite #113-114 (Assessor's Parcel Number 098-453-13). Hong Mei Rose Restaurant.

The application is a request for a Conditional Use Permit for an on-sale beer and wine license (Type 41) to allow sale and consumption of beer and wine in conjunction with a proposed 2,376 square foot restaurant, located within an existing 54,378 square-foot commercial retail center (Catinat Plaza).

**STAFF RECOMMENDATION:** That the Planning Commission deny the Conditional Use Permit based on the findings listed in the draft resolution.

Mr. Fenn Moun presented the applicant's request to allow for sale and consumption of beer and wine in their restaurant. However, based on staff findings that the request would place additional burden on police resources concerning safety issues and nuisances, staff recommended that the Planning Commission deny the request as conditioned in the resolution.

The public hearing was opened.

Applicant Mr. Dien Chu Phan of 9591 Mirage Avenue, Garden Grove, stated that he operates three restaurants in Santa Ana, Garden Grove, and Westminster. He is proposing to serve beer and wine in their Westminster restaurant six days a week (except Thursday) 9 a.m. – 9 p.m. He stated that the permit would help their business financially.

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

Commissioner Chow inquired about the restaurant's menu as it would help determine if the restaurant is a bona fide eating place. Related to this, Commissioners Chow and Lam requested that staff require future restaurant operators requesting for ABC license to provide menu to staff.

The public hearing was reopened to allow the business owner to respond to Commissioner Chow's request for food served. Interpreting for the business owner, Mrs. Dien Chu Phan stated that shrimp and chicken dishes and other Vietnamese dishes will be served in the restaurant.

The public hearing was closed.

Based on the types of meals mentioned, Commissioner Chow concluded that the restaurant is a casual dining place and expressed concern it would turn into a social drinking place when ABC license is granted to the business.

Commissioner Krippner pointed out that since the tract is already over-saturated, the type of meals served was not as important since the Police Department does not want to increase anymore ABC license in an oversaturated area. He stated that he will not vote for it.

On the other hand, Commissioner Chow was not as concerned about the over-saturation of ABC license in the district but on the possibility that the restaurant may turn into a social gathering drinking place. She indicated that she will recommend denial and the applicant could appeal or come back to the Commission in the future. Commissioner Lam concurred with Commissioner Chow. Chairman Turro commented it was time to take the issue of over saturation very seriously in the City as he has never seen so many requests for ABC licenses since January. He would vote to deny the proposal.

Motion

Commissioner Lam moved that the Planning Commission deny the Conditional Use Permit based on the findings listed in the draft resolution. Commissioner Krippner seconded. The motion carried 4-0, Commissioner Contreras absent.

D. Case 2007-35 Conditional Use Permit. Location: 9741 Bolsa Avenue, Suite 112 (Assessor's Parcel Number 098-453-13)

The applicant is proposing a massage establishment within a 1,085-square-foot tenant space located within an existing 54,387 square-foot retail shopping center (Catinat Plaza). The establishment will offer massage services performed on the arms, hands, legs, and feet.

STAFF RECOMMENDATION: That the Planning Commission approve the Conditional Use Permit based on the findings and subject to the conditions stated in the draft resolution.

Mr. Chris Wong made a brief presentation on the applicant's request to offer massage services performed on the arms, hands, legs, and feet. Based on staff findings, staff recommended that the Commission approve Case No. 2007-35 subject to the conditions listed in the draft resolution. However, last Monday, June 18, Mr. Wong informed the Commission that the applicant had requested to provide additional massage services to their original proposal. Because of these additional services requested by the applicant, Mr. Wong stated that the Police Department recommended that the Planning Commission continue this case to their meeting of July 18 so that they can further study and evaluate the proposal. Mr. Wong added if the applicant does not wish to include the additional services, the Planning Commission can proceed to consider the case. Detectives Ron Weber and Phoung Pham from the Police Departments and the applicant were available to answer any questions.

Commissioner Lam clarified that he does not own the project site's shopping center and the property owner, Tony Lam, is a different individual and not related to him.

The public hearing was opened.

Speaking in favor was the architect of the project, Mr. Jerry Yates of Yates Associates, 3241 Kallin Avenue, Long Beach. He stated that he prepared the drawings of the shopping center. He

objected to staff's condition concerning the facial room because they would like to enclose that particular space for a chiropractor office. Mr. Yates stated that Dr. Lam, the chiropractor, will work in his office 75% of the time.

Dr. Cam Lam, chiropractor, indicated that this is his first practice and he will operate his business at the back of the room (facial room) and would have nothing to do with the massage area. He added that he will not close the door of his office during hours of operation except when there is physical exposure of his patients.

Mr. Tan Nguyen, co-owner of the business stated that he has provided massaging services Chinese style for a long time and owns a clinic in San Gabriel for more than a year. He would like to bring this technique and healthy lifestyle to the community of Westminster.

Detectives Ron Webber and Phuong Pham of the Westminster Police Department explained that due to the modification in the applicant's request, they need more time to research the chiropractor business and any other additional services they intend to provide.

In response to Chairman Turro concerning the additional services proposed, Mr. Nguyen explained that since the time they applied to open this business, similar businesses had opened with more services so it was financially necessary to compete with them. However, because they have already started paying rent, he confirmed with Chairman Turro that they intend to keep their original proposal and move forward with the consideration so that they can open their business as soon as possible with the Planning Commission approval.

Mr. Scott Plant from Rosemead stated that he is in the healthcare profession and that he sees the services proposed by the applicant will benefit the healthcare of the community from therapeutic remedies.

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

Mr. Nguyen confirmed to Commissioner Lam that they will remain with their original proposal. Based on the applicant's decision, Detective Weber stated that the request will still be considered a massage parlor and the facial room will be required to remain opened. Commissioner Chow stated that she will go along with the Police Department's recommendation.

**Motion** Commissioner Chow moved that the Planning Commission approve the Conditional Use Permit based on the findings and subject to the conditions stated in the draft resolution. Commissioner Lam seconded, and the motion carried 4-0, Commissioner Contreras absent.

**Reports** A. None

**Administrative Approvals** The Planning Commission received notification that the following Administrative Approval item was reviewed by the Planning Manager.

A. Case 2007-25 Administrative Adjustment. Location: 14232 Alta Place (Assessor's Parcel Numbers 195-172-20).

The applicant requested a 2-foot encroachment into the 20-foot front yard setback in order to add a 144 square-foot dining room to an existing single family dwelling.

STAFF DECISION: The application is approved for a 1-foot encroachment into the front yard setback. This is consistent with other properties in the area.

The Commission unanimously voted to receive and file above item.

**Items and Comments From the Planning Commission** None

**Comments: Planning Manager** Mr. Bashmakian thanked staff for their presentation and assistance and reminded everyone that the next Planning Commission meeting is scheduled on July 18, 2007.

**City Attorney Reporting on AB 1234** None

**Adjournment** The meeting was adjourned at 8:20 p.m. to the Planning Commission meeting of July 18, 2007.

Respectfully submitted,

MARIA MOYA  
Department Secretary