



**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 19, 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, September 19, 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; Michael Patterson, 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 Chow.
- Approval of Minutes** The minutes of the regular meeting of September 5, 2007 were approved on motion of Chairman Krippner, seconded by Commissioner Chow, and carried 4-0-1, Commissioner Bertels abstained as this was his first meeting with the Commission.
- Oral Communications** None
- Written Communications** None

Mr. Bashmakian advised that the appropriate time for the Commission to disclose they have visited a proposed project site or have spoken to the applicant is before staff's presentation. This timely procedure will help explain the Commissioners' position towards the application during the public hearing.

Public Hearing A. Case 2007-02 Conditional Use Permit (Continued from 5/14/2007). Location: 15430 Brookhurst Street (Assessor's Parcel Number 108-553-25).

The applicant is requesting an "On-sale" (type 41) alcohol license to allow sale and consumption of beer and wine in conjunction with food service at an existing 1,650-square foot restaurant within an established commercial center.

STAFF RECOMMENDATION: That the Planning Commission deny Case No. 2007-02 based on the findings in the draft resolution.

Mr. Michael Patterson made a brief presentation on the applicant's request to sell beer and wine in conjunction with food service. He indicated that based on its findings, staff does not support the request because it will result in over saturation of ABC licenses within the census tract which could potentially increase crime, violence, drunk driving incidents, and cause general economic decline.

The public hearing was opened.

Speaking in favor of the application was Mr. John Paul Hau Duc Do, attorney for the applicant, of 9938 Bolsa Avenue, Suite 210. He introduced applicants Minh Do and Paul Tran, and provided the Commission a copy of his statement which contended that beer and wine will be served primarily in conjunction with meals; the restaurant is not located in a high crime area; and beer and wine consumption does not by itself impair the public health, safety and general welfare of the public.

Mr. Paul Tran of 15430 Brookhurst Street, co-owner of the business, stated they have corrected the prior business' (Golden Noodle) code violations such as removing the neon lights on the sign and are now in compliance with the City's health and planning codes. He provided a signed list of customers and residents of the community who support their ABC license request.

Also a co-owner of the business, Mr. Minh Do of 15430 Brookhurst Street, stated that the ABC license will increase the sales revenue of the business and will not create nuisance because it is not in a high crime area.

No one spoke in opposition.

Commissioner Tran commented that in fairness to the applicant who filed his conditional use permit request before the census tract became over saturated with ABC licenses (until the approval of ABC license of another restaurant, Citryst Lounge), he would be in favor of approving the request.

Mr. Bettenhausen reminded the Commission that they could express their opinions only after the public hearing has been closed and the facts have been provided.

In response to Chairman Turro regarding the fish tanks, Mr. Tran indicated that the Health Department has approved the fish tanks and they have paid for the fish tank permit. However, Mr. Patterson stated that the matter remain unresolved as the Health Department has not visited the project site since July of this year.

Chairman Turro, like Commissioner Chow, was very disappointed that the business' health violations remained unresolved for a long time. Mr. Do stated that the violations have been corrected since May 9 of this year. Mr. Tran further explained that because they were not experienced with the business operations and due to numerous health and structural problems of the prior business, it took time before they were able to fix the problems. Mr. Do added that part of the problem was due to the unsatisfactory pest control work of the initial exterminator who had to be replaced with another exterminator.

The public hearing was closed.

According to Commissioner Krippner, the business management did not address their problems properly despite being closed twice due to the lengthy unresolved health violations that allowed Citryst Lounge to be granted ABC license ahead of them. He indicated that he would vote to deny as staff has recommended.

Commissioner Chow was not too concerned about the over saturation issue as she understood the necessity of serving beer with food. She was more concerned that management did not operate the business properly. If the Commission approves the

request, Commissioner Chow suggested that staff impose all the conditions and require the applicant to come back after six months for review.

Motion

Commissioner Chow moved that the Planning Commission approve Case No. 2007-02 subject to all the conditions imposed by staff and come back to the Planning Commission after six months for review.

Mr. Bashmakian suggested that if the proposal is approved and the applicants come back to the Commission, they must provide a report to the Commission providing their compliance record. If there had been problems during the six-month review period, a public hearing will be scheduled to revoke the conditional use permit or additional conditions will be imposed. Mr. Bashmakian stated that staff will prepare a revised resolution that would include the conditions required by the Commission in the next meeting.

Commissioner Chow agreed to modify her motion to include that the applicants come back to the Commission after six months with a report providing their compliance record, and staff will provide the revised resolution in the next meeting for the Commission's consideration.

Chairman Turro seconded and asked for the question.

Commissioner Krippner requested for Mr. Bettenhausen's advise, pointing out that the Commission should continue to discuss and focus on the land use issue specifically over saturation of ABC licenses, leave the health violations to the Health Department, and the deny the proposal.

Chairman Turro responded that over saturation in the project's census tract was not a concern for him, but the health violations are important, and he intends to vote for the proposal based on all the conditions imposed.

Mr. Bettenhausen clarified that he asked Commissioner Chow if she wanted to amend the motion which she did, seconded by Chairman Turro. Mr. Bettenhausen advised that if anyone in the Commission either wants to vote on Commissioner Chow's motion or continue discussion, it should be voted on by having any Commissioner call for the question.

Commissioner Chow called the question to either vote "yes" (stop discussion and move on the Commissioner Chow's motion) or "no"

(continue discussion). The vote carried 4-1, Commissioner Krippner dissented.

The Commission voted on Commissioner Chow's motion, and the motion carried 3-2, Commissioners Bertels and Krippner dissented.

B. Case 2007-43 Site Plan Review, Design Review, Sign Program. 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 approve Case No. 2007-43 subject to the conditions stated in the draft resolution.

Mr. Bashmakian explained staff is recommending this item to be continued to October 3, 2007 because the applicant failed to properly notify adjacent residential tenants.

Motion

On motion of Commissioner Krippner, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission continued Case No. 2007-43 to October 3, 2007 to allow the applicant to properly notify adjacent residential tenants of the proposal.

C. Case 2007-67 Conditional Use Permit. Location: 200 Westminster Mall (Assessor's Parcel Number 195-373-11).

The applicant is requesting a conditional use permit to allow for the sale of packaged beer and wine for off-site consumption at an existing commercial retail store.

The applicant has submitted a letter requesting that the hearing be deferred to the next Planning Commission meeting on October 3, 2007.

STAFF RECOMMENDATION: That the Planning Commission defer the public hearing as requested.

Motion

On motion of Chairman Turro, seconded by Commissioner Chow, and carried 5-0, the Planning Commission deferred the public hearing of Case 2007-67 to October 3, 2007 as requested by the applicant.

Reports	None
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	<p>Commissioner Tran admitted that he is in the learning process and still getting familiar with the meeting procedures. He thanked everyone for their assistance and patience.</p> <p>Commissioner Krippner commented that he wants his 20 percent opinion to be heard so that he can influence others that his point of view is legitimate.</p> <p>Commissioner Bertels was glad to be back and serve in the Commission again. Referring to Case 2007-02, he pointed out that in order to attract tourists and improve its image, the City should reject these types of proposal as he will always abide by City code and oppose ABC license requests located within over saturated areas.</p> <p>Commissioner Chow concurred with Commissioner Krippner's comments but noted that the Commission should be more compassionate and understanding, and provide everyone a second chance to prove themselves. However, Commissioner Krippner disagreed as he does not believe in giving a second chance to a violator.</p>
Planning Manager	Mr. Bashmakian reminded the Commission that copies of the letter from the City Manager were delivered to them concerning Urban Land Institute panel interview related to the Little Saigon Assessment. He invited the Commission to the Planning Directors Association of Orange County Planning Forum scheduled on October 18. As requested by Commissioner Krippner, Mr. Bashmakian informed the Commission that copies of names and addresses of the Commissioners were provided to them.
City Attorney	In order for the meeting to move along quicker, Mr. Bettenhausen advised the Commission to either call for the question if anyone feels the discussion is done, or have a motion to limit the discussion. Then the Commission could vote on that motion.

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 8:35 p.m. to the Planning Commission meeting of October 3, 2007 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Department Secretary