



**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
March 5, 2008
6:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, March 5, 2008 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; Fenn Moun, Planning Technician; Maria Moya, Administrative Assistant; Ivy Tsai, Deputy City Attorney
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Bertels.
- Approval of** On Page 1, Roll Call Section of the minutes, Chairman Turro pointed out a typographical error indicating that Commissioner Tran was present and absent in the meeting. Commissioner Tran clarified that he was absent in the last meeting. The minutes of the regular meeting of February 6, 2008 were approved as corrected on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 4-1, Commissioner Tran absent.
- Oral Communications** None
- Written Communications** None
- Public Hearing A. Case 2006-87 Conditional Use Permit.**
Location: 14541 Brookhurst Street, Suites B5 and B6 (Assessor's Parcel Number 098-594-11).
- Review of the restaurant's performance since it has begun the incidental sale of beer and wine. Based on the performance, the Planning Commission may consider extending the hours of beer

and wine sales at the existing, 2,044-square foot restaurant (Luc Huyen Cam Cafeteria), located within an established commercial center.

STAFF RECOMMENDATION: That the Planning Commission limit the sale of beer and wine to the hours of 6 PM to 10 PM daily.

Mr. Michael Patterson made a brief presentation on the applicant's proposal to extend the hours of beer and wine sales. Based on staff findings and analysis, Mr. Patterson recommended that the Planning Commission maintain the limited hours of beer and wine service of 6 p.m. to 10 p.m. daily.

The public hearing was opened and speaking in favor of the proposal was the applicant and business owner, Ms. Thanh Tran, and her son, Mr. Michael Tran, of 6032 E. Westview Drive, Orange.

Mr. Tran maintained there are only two restaurants in the commercial complex that serve beer and wine, namely, a banquet hall, and another that closed. Mr. Tran stated their restaurant has been in business for ten years and has recently opened after being closed for five months for renovation. According to Mr. Tran, it was during the remodeling phase when the Police Department received a service call in that location that was unrelated to their business. Mr. Tran stated they focus on food, and alcohol is served only to accommodate those who request it with food. He added that the extension of hours of beer and wine sales would improve business sales. He provided the restaurant's menu and an advertisement of their restaurant in a Vietnamese newspaper to the Commissioners.

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

Chairman Turro clarified that ABC license issuance is based on census tracts and not based on streets or blocks.

Commissioner Chow pointed out that the call for Police service in the restaurant location was received when the business was closed. She believed the business should be given a chance to accommodate the needs of its clients and extending the hours of beer and wine sales was necessary. She indicated that the ads in the newspaper did not advertise alcohol but food. However, Chairman Turro clarified that the Commission do not base its decision on advertisements.

Commissioner Krippner expressed concern that serving beer at 8 a.m. will not improve the lives of the people because he considers

alcohol a legal drug. Since the tract is oversaturated, he is opposed to extending the hours. He noted that he agrees with Planning staff's recommendation.

If the Commission approves the extension, Chairman Turro, preferred the sale to begin at 11 a.m. instead of 8 a.m. Commissioner Chow concurred with Chairman Turro but added that the approval should be subject to review by staff after one year.

Commissioner Krippner commented that the restaurant has operated without the extension of the hours for a year. He felt that this proposal was the applicant's alternate way to go with their original request. However, Mr. Tran explained that their original application requested only for the evening hours, while their current proposal extended to the operating hours of the restaurant.

Motion Commissioner Krippner moved that the Planning Commission limit the sale of beer and wine to the hours of 6 p.m. to 10 p.m. daily.

After having visited the restaurant, Commissioner Chow observed it was family-oriented and reiterated that she wants to give the business a chance especially during these hard financial times.

Commissioner Tran indicated that the restaurant is unique in the area and its menu serves food that will go better with wine or beer. He concurred with Commissioner Chow's recommendation.

Commissioner Chow attempted to make a motion despite Commissioner Krippner's prior motion. In order to resolve the rightful motion maker, Ms. Ivy Tsai advised the Commission to do a renewal of the motion and the Commissioner agreed.

Motion Commissioner Krippner moved that the Planning Commission limit the sale of beer and wine to the hours of 6 p.m. to 10 p.m. daily. No one seconded and the motion died.

Motion Commissioner Chow, seconded by Commissioner Tran, moved that the Planning Commission extend the sale of beer and wine to the hours of 11 a.m. to 10 p.m. daily subject to review by staff after one year with a report to the Commission. The motion carried 4-1, Commissioner Krippner dissented.

B. Case 2007-51 Tentative Parcel Map, Site Plan Review, Design Review.

Location: 7901 13th Street (Assessor's Parcel Number 096-344-15)

The applicant is proposing to demolish an existing single-family dwelling and develop 4 attached residential units to be developed for condominium purposes; which require review of a tentative parcel map, site plan and design.

STAFF RECOMMENDATION: That the Planning Commission approve the tentative parcel map, site plan, and design.

Mr. Mike Scotto of 17018 S. Denker, Gardena and Mr. Russell Ruelecal of 16982 Pacific Coast Highway, Huntington Beach spoke in favor.

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

Commissioner Bertels suggested that a "No Parking" sign along the fire lane (driveway) be posted upon approval.

Commissioner Chow liked the project and Chairman Turro thanked the applicant for a good project.

Motion

On motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0, the Planning Commission approved Case 2007-51 Tentative Parcel Map, Site Plan Review, Design Review subject to the conditions stated in the resolution.

C. Case 2007-86 Zoning Text Amendment.

Location: Citywide

This is a City initiated code amendment to establish development standards which will regulate the use and placement of canopies and tarps on residential properties.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution 2007-87, recommending that the City Council adopt an ordinance establishing sections 17.04.086, 17.08.020(J), 17.08.020(H)(10), 17.10.020(I), 17.12.020(H), 17.14.020(H) and 17.16.020(I) of Title 17 (Land Use Ordinance) of the Westminster Municipal Code to establish development standards that will regulate the use and placement of canopies and tarps on residential properties.

Mr. Bashmakian indicated that no action is necessary from the Commission as the matter was withdrawn.

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	Commissioner Bertels mentioned that he attended a meeting wherein a comment was made by an attendee that he does not go to San Diego to play casino anymore but go to Little Saigon instead. Commissioners Chow and Tran clarified that there is no gambling taking place in Little Saigon.
Comments:	
Planning Commissioner	None
Planning Manager	Mr. Bashmakian informed the Commission that City Council upheld the Planning Commission's denial of Case 2007-50 Variance Request. He added that Case 2007-86 was withdrawn from the agenda as staff will be modifying the Accessory Structure Ordinance which will come before the Commission sometime in April.
City Attorney	None
Reporting on AB 1234	None
Adjournment	The meeting was adjourned at 7:45 p.m. to the Planning Commission meeting of March 19, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant