



**PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
June 4, 2008
6:30 p.m.**

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, June 4, 2008 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Krippner, Tran, Turro
Commissioner absent: Chow
- Staff Attendance** Art Bashmakian, Planning Manager; Alexis Schopp, Associate Planner; Michael Patterson, Assistant Planner; Maria Moya, Administrative Assistant; Tom Duarte, Deputy City Attorney;
- Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Commissioner Bertels.

Commissioner Chow arrived at 6:35 p.m.
- Approval of Minutes** The minutes of the regular meeting of May 7, 2008 were approved on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0.
- Oral Communications** None
- Written Communications** None
- Public Hearing A. Case 2008-03 Conditional Use Permit.**
Location: 14600 Goldenwest Street, #102 (Assessor's Parcel Number 096-182-03)
- The application involves a proposed massage establishment within a 1,991 square-foot tenant space located within an existing building.
- STAFF RECOMMENDATION:** That the Planning Commission adopt resolution 2008-03 recommending that the City Council deny the Conditional Use Permit request.

Ms. Alexis Schopp made a brief presentation on the applicant's proposal to allow full body massage and skin care services within a two-story suite of an existing building. Due to the inconsistency of the project's location with the Municipal Code and the Police Department's findings, staff recommended denial of the issuance of the conditional permit. Ms. Schopp mentioned that the representatives from the Police Department are available to answer any questions.

The public hearing was opened.

Speaking in favor of the proposal was business consultant, Mr. Terrance Shannon of 15355 Brookhurst Street. He stated that he had known the applicant, Ms. Annie Nguyen, for many years as a fine standing individual who has conducted her business in a professional manner in the City for ten years. He pointed out that only a small portion of the business will be devoted to full body massage which he believed is a consistent use in the neighborhood. He mentioned that the business next door to the project site operates a physical massage without a conditional use permit and another similar business (500 to 600 feet away) is located even closer to the residential properties. According to him, the business has never had any conviction and he was not aware of any opposition from any business or residential community nearby.

Detective Tim Walker of the Police Department Special Investigations Unit spoke in opposition. Based on documented papers, Det. Walker indicated that from 2000-2007, the applicant had shown a pattern of running her business illegally or in violation of the Municipal Code. He pointed out that the Police Department recommends the permit be denied not only due to the distance restriction required by the Municipal Code but the many other violations of the business.

In rebuttal, Mr. Shannon explained that there has been no evidence of conviction for Ms. Nguyen because prior to 2003, skin care businesses were allowed to do massage in the City. Mr. Shannon stated that the applicant will follow all the conditions of the permit if their request is granted by the Commission.

Referring to the Page 1, last paragraph, last sentence of the Preliminary Plan Review of the Police Report, Commissioner Bertels requested a clarification from Mr. Shannon. Mr. Shannon explained that the process of revocation refers to Ms. Cat Nguyen's

(Ms. Annie Nguyen's sister) businesses outside of the City. He reiterated that although Ms. Annie Nguyen helped managed her sister's business, there is no evidence that Ms. Annie Nguyen has violated or has been convicted of any violation of law.

The public hearing was closed.

Commissioner Chow stated that she is pro-business, but based on the comments and findings of staff and the Police Department, she plans to deny the proposal.

Motion

On motion of Commissioner Chow, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission adopted Resolution 2008-03 recommending that the City Council deny the Conditional Use Permit Case No. 2008-03.

B. Case 2008-08 Conditional Use Permit.

Location: 15579 Brookhurst Street (Assessor's Parcel Number 143-142-07)

The application involves a request to allow live entertainment at an existing restaurant (Quan May Hong) located within an established commercial center.

STAFF RECOMMENDATION: That the Planning Commission deny the Conditional Use Permit request.

Mr. Michael Patterson stated that the applicant is requesting approval of live entertainment in an existing restaurant with the proposed hours of 7 pm – 11 pm Sunday through Thursday, and 7 pm – 12 am Friday and Saturday. Based on staff findings and comments received from the Police Department, Mr. Patterson indicated that staff does not support the issuance of the conditional permit for live entertainment.

Chairman Turro mentioned that he visited the project site and spoke to the applicant, Ms. Daisy Kim. He observed many tables and chairs in the restaurant.

The public hearing was opened.

The applicant's attorney, Mr. James Lindeman of 4739 Ventura Canyon, Sherman Oaks, stated that he represents the applicant, Ms. Daisy Kim, in her court pending cases.

Ms. Daisy Kim of 15123 Brookhurst Street, shared how she moved from Nebraska nine years ago to start her business in Westminster, California. She indicated that she bought the restaurant in March 31, 2007 and was not aware that permits were required for live entertainment. She recounted several incidents when the Police Officers came to her restaurant to investigate and search her business, making her clients very uncomfortable at times. She stated that she has not committed any crimes.

Based on Police records, Det. Richard Mize of the Police Department Special Investigations Unit, narrated the calls for service and violent crimes that have occurred in the restaurant after Ms. Kim started operating the business. He noted that these have significantly increased since Ms. Kim took over the business as the prior business owner had only burglary alarms calls within a period of seven years.

Ms. Kim explained that she had no control of what occurs outside of her restaurant noting that the violent crimes did not start from her restaurant but in the parking lot. She pointed out that she cooperated with the Police Department and they did not find anything after the search of her restaurant.

The public hearing was closed.

Motion

Commissioner Bertels moved that the Planning Commission deny Case 2008-08 based on the recommendation of the Westminster Police Department and staff's findings. Commissioner Krippner seconded and the motion carried 5-0.

Reports

A. Case 2008-20 Variance.

Location: 9060-9122 Bolsa Avenue (Assessor's Parcel Number 143-601-05)

Review of Resolution No. 2008-20 approving a parking variance for a new retail food and beverage service in Hanoi Plaza.

STAFF RECOMMENDATION: Review the resolution of approval and adopt said resolution if it is determined that the findings reflect the Commission's action.

Mr. Art Bashmakian stated that the resolution reflects the Commission's action at its May 7, 2008 meeting.

Motion	Commissioner Chow moved that the Planning Commission adopt Resolution No. 2008-20. Chairman Turro seconded and the motion carried 3-2, Commissioners Bertels and Krippner dissented.
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 Bertels reported that the commercial center by Macfadden Avenue and Brookhurst Street looks like a dump with beer bottles and trash scattered everywhere. Mr. Bashmakian stated that he will let Code Enforcement know about his complaint.</p> <p>Commissioner Chow commented that she was glad to see that the political signs are being removed.</p> <p>Chairman Turro was saddened to learn that Hof's Hut Restaurant had closed as he had patronized the restaurant for many years.</p>
Planning Manager	None
City Attorney	None
Reporting on AB 1234	None
Adjournment	The meeting was adjourned at 8:30 p.m. to the Planning Commission meeting of June 18, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant