



PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
July 2, 2008
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, July 2, 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; Kelvin Parker, Senior Planner; Alexis Schopp, Associate Planner; Maria Moya, Administrative Assistant; 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 18, 2008 were approved on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 4-0-1, Commissioner Chow absent.
- Oral Communications** None
- Written Communications** Mr. Art Bashmakian mentioned that staff received a letter of opposition from Mr. Kenneth Kil related to Case 2008-25.
- Public Hearing A. Case 2008-22 Conditional Use Permit.**
Location: 16334 Beach Boulevard (Assessor's Parcel Number 107-220-72)
- The application involves a conditional use permit to allow entertainment in an existing restaurant (Jaqu's) with an existing Alcoholic Beverage Control License (Type 47). The proposed entertainment hours will be from 4 pm to 11 pm daily and consists of a three member ensemble playing music which is intended to accompany dining.
- STAFF RECOMMENDATION:** That the Planning Commission approve the conditional use permit.

Ms. Alexis Schopp made a brief presentation on the proposed Conditional Use Permit that will allow entertainment in conjunction with the existing restaurant. Based on staff findings and analysis, she recommended that the Planning Commission approve the proposal subject to the conditions in the draft resolution.

The public hearing was opened and speaking in favor of the request was the owner of the business, Mr. Dwayne Westrup of 16334 Beach Boulevard. He provided a copy of the restaurant's menu which, according to Mr. Westrup, was prepared by one of the best chefs in California. Related to Condition No. 9, Mr. Westrup stated that he intends to tie the music amplification with the sound system of the restaurant which could be controlled and be more user friendly with the adjoining businesses.

Referring to the map provided to the Commission, Commissioner Krippner noted that it did not identify the restaurant but the prior business. In addition, he pointed out that the restaurant mailer/flyer indicated the restaurant's address as Huntington Beach instead of Westminster. Mr. Westrup explained they used the same plans of the prior business (Davio's) because they want to provide the same information that was provided to the City. He apologized for the erroneous address in the mailer and noted that he will make the necessary correction. He stated that he will abide by the conditions stipulated by the Commission concerning the number of entertainers and televisions and all other conditions listed in the resolution.

Chairman Turro pointed out Condition No. 12 is inconsistent with Condition No. 18. Mr. Bashmakian clarified that Condition No. 12 is a more restrictive condition from the Police Department's while Condition No. 18 is a standard requirement by code.

Commissioner Krippner requested Detective David Walker from the Westminster Police Department to clarify Condition No. 11 relating to visibility. Det. Walker explained that the importance of visibility is dependent on the type of business operated. It would not be as significant for a fine dining restaurant but necessary for a massage/reflexology business, bars, and pool halls. Mr. Bettenhausen stated that Condition No. 22 addresses the visibility issue.

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

Motion

Commissioner Chow moved that the Planning Commission approve the Conditional Use Permit for Case 2008-22 with the following changes: eliminate Condition No. 9 and modify Condition No. 18 by eliminating the "...video amusement devices, including..." in the first sentence. Commissioner Bertels seconded.

Chairman Turro suggested a modification to the motion pertaining to Condition No. 6, limiting the music ensemble to not more than two members. With the approval of Commissioner Bertels, Commissioner Chow concurred with Chairman Turro's suggestion. The motion carried 5-0.

B. Case 2008-25 Conditional Use Permit.

Location: 6328 Westminster Boulevard (Assessor's Parcel Number 195-261-02)

The application involves a Conditional Use Permit to reopen an existing legal non-conforming billiard center (International Billiards) which would include 12 pool tables and three arcade games. The billiard center is proposing to continue the sale and consumption of beer with its existing Alcoholic Beverage Control License (Type 40) and provide food service consisting of pre-packaged food and microwaveable items.

STAFF RECOMMENDATION: That the Planning Commission approve the conditional use permit.

Ms. Schopp presented the applicant's request to reopen an existing legal non-conforming billiard center. Based on staff findings and analysis, she recommended that the Planning Commission approve the conditional use permit subject to the conditions listed in the draft resolution.

Det. David Walker from the Police Department Special Investigation Unit indicated that the Police Department revoked the business' conditional use permit due to high level of calls of service. However, after the owners expressed their intention to change and legitimate the business, the Police Department came up with a very strict conditional use permit they believe will change the operations of the business. Det. Walker indicated that the permit can be revoked anytime.

The public hearing was opened.

The attorney for the applicants, Mr. Ronald Talmo of 2415 N. Hesperian, Santa Ana, spoke in favor. He indicated that after the

revocation, the business owners and he immediately held a dialogue with the Chief of Police and his staff to relieve the problems and agreed to all the conditions imposed by Police Department. Mr. Talmo assured the Commission that there will be a change of clientele as they will use an IDVisor machine scanner to check and keep log of the guests' IDs to mitigate underage drinking and potential violations. He stressed that the business could not operate without a Police conditional use permit which could be revoked anytime if a problem occurs.

The business owners, Mr. Jose Nguyen and Mrs. Janice Nguyen of 1771 West Lane, Huntington Beach also spoke in favor.

Speaking in opposition was Mr. Dave Clark of 1425 Chariot Court, Bonsall, owner of the adjacent building and former business owner of Dave's Flower. He indicated that he was most victimized by the billiard center over the years while it was in operation until December 2007 when the permit was revoked by the Police Department. He enumerated his complaints that happened outside his building such as trash, broken beer bottles, food containers, cleaning up vomit and feces; graffiti to his building; vandalized cars and building; drug sales; underage drinking; soliciting prostitution; vehicle torched and burned behind his building; destroyed skylights in his building; personal threats to himself; witnessed a victim being dragged and stabbed outside his building; his clients avoided his business after nighttime; his building signs and windows were shot out twice; his employees were afraid to go out after closing; and people have been shot and murdered in his parking lot. Mr. Clark stated that he has recently leased the empty space in his building to a family business and he hopes the billiard center will remain closed and will not be given the chance to operate again. He further complained that his property value has decreased and felt that the IDVisor machine scanner is not reliable. However, if the permit is approved by the Commission, Mr. Clark wants a full time security guard in the parking lot; inclusion of clean up of trash and debris of the adjacent east property of the project site; employee training on sale of alcohol should commence at the first day of work and not within the 90-day compliance period due to fast employee turnover; and removal of graffiti in the project site and the surrounding properties.

Mr. Kenneth Kil, the current owner of Dave's Flowers of 6332 Westminster Blvd., reiterated Mr. Clark's statements and concurred with his suggestions. He stated that the rear entrance to the building should be monitored also because patrons frequently used it for entrance and exit. He felt unless the IDVisor is handled by a

competent and responsible person, it will be useless. He believes that the conditions imposed by the permit is not enough to ensure the business operations do not continue to pose a public nuisance.

In rebuttal, Mr. Talmo believed that if the clientele change, the business operation will change. He was agreeable to a condition that the rear door would not be used as an entrance and the business would be responsible for spill over clean-up of the east and west adjacent properties of the project site. However, due to financial constraints, Mr. Talmo stated that the business cannot afford to hire a security guard, will comply with all the other conditions of approval.

The Commission observed a recess at 8:00 p.m. and reconvened at 8:10 p.m.

In response to Commissioner Chow concerning the owners' other businesses, Mr. Talmo indicated that Mr. and Mrs. Nguyen have operated a nail salon for seven years. He further stated that the closure of the business since December 2007 had impacted the owners and were aware that with just one violation of the ABC license, they will lose the license. He stated that they had lengthy discussions with the Police Department about their efforts to change clientele and was hopeful it would work because the Police permit could be revoked anytime the business violate it.

Commission Chow expressed concern about the business owners' habitual violation of the permit as it continued for a long period of time until their permit was revoked.

Commissioner Bertels also expressed some reservations as there was no clear assurance that the business owners will not violate again.

Detective Walker stressed that the billiards will be monitored very closely noting the use of the IDVisor scanner; adequate lighting condition around the building; and employees serving alcohol will undergo training.

The public hearing was closed.

Commissioner Chow stated that she trusts the Police Department's judgment and added that she wants a security guard for the business and to include the whole area surrounding the business to be maintained free of trash and other debris from the billiard business.

Motion

Commissioner Krippner moved that the Planning Commission deny the Conditional Use Permit for Case No. 2008-25. Commissioner Bertels seconded.

Commissioner Chow made an alternate motion. She moved that the Planning Commission approve the Conditional Use Permit with the following additional conditions, namely: hiring a full-time security from the start and closing of business operation; business owner will be responsible for clean-up of graffiti and spill over of trash from the business (to be determined by staff); and all the conditions listed in the resolution. No one seconded and the alternate motion died.

The original motion carried 5-0.

Reports

A. Case 2008-24 Design Review – Level 2.

Location: 9251 Bolsa Avenue (Assessor's Parcel Number 098-56-305)

The project is a design review to remodel the exterior façade of an existing retail center.

STAFF RECOMMENDATION: That the Planning Commission determine if the proposed exterior architectural changes are consistent with the Little Saigon Planning Area Design Standards.

Mr. Kelvin Parker provided a brief overview and analysis of the project site as the applicant is proposing to remodel the exterior façade of an existing building. In order to assure quality development of the project design, Mr. Parker indicated that staff is requesting Planning Commission to determine if the proposed exterior architectural changes are not consistent with the Little Saigon Community Planning Area Design Standards.

The Commission allowed the applicant Mr. Cheuck Yau and Mr. Tom Quach of 14822 Moran Street to speak. Mr. Yau stated that as the designer of the project, his design was directed towards the Vietnamese/French architectural style. Displaying some buildings along the Bolsa area approved by the City, Mr. Yau stated that he tried to match the proposed design with the rest of the other buildings in the same area.

Motion

Commissioner Chow moved that the Planning Commission determine that the proposed exterior architectural changes are

consistent with the Little Saigon Planning Area Design Standards No one seconded and the motion died.

On motion of Commissioner Bertels, seconded by Commissioner Krippner, the Planning Commission determined that the proposed exterior architectural changes are not consistent with the Little Saigon Planning Area Design Standards. The motion carried 4-1, Commissioner Chow dissented.

B. General Plan Conformity.

Location: 13942 Cedar Street; Lot 7 of Tract No 317 (Assessor's Parcel Number 096-084-09)

A request to determine if the disposition of a strip of land (5' x 51') at 13942 Cedar Street conforms to the City's adopted General Plan.

STAFF RECOMMENDATION: That the Planning Commission determine that the proposed disposition of the subject property conforms to the City's adopted General Plan.

Mr. Bashmakian made a brief presentation on the City's request to determine the disposition of a strip of land at 13942 Cedar Street conforms to the City's General Plan.

Motion

On motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 5-0, the Planning Commission determined that the proposed disposition of the subject property conforms to the City's adopted General Plan.

Administrative Approvals

The Planning Commission received notification that the following Administrative Approval items were reviewed by the Planning Manager.

A. Case 2008-28 Administrative Adjustment

Location: 9612 Hazard Avenue (Assessor's Parcel Number 098-442-50)

B. Case 2008-41 Administrative Adjustment

Location: 10130 Gretchen Lane (Assessor's Parcel Number 108-454-09)

Mr. Bashmakian informed the Planning Commission that the above items have not been finalized and no action was necessary. He stated that the items will be included in the July 16, 2008 agenda.

Items from the Planning Commission None

Comments: Planning Commissioner

Commissioner Bertels inquired for an update on 15711 and 15701 Candlewood Street. Mr. Bashmakian indicated that he has not received any information but will forward any information to him as soon as he receives something. Commissioner Bertels informed him that the adjacent neighbor who complained about the violations had graffiti on his fence. He also informed Mr. Bashmakian that he is preparing to put together addresses and pictures for Code Enforcement. Lastly, Commissioner Bertels mentioned that the Little Saigon commercial area at Brookhurst Street and McFadden Avenue are full of trash and debris.

Commissioner Chow reported that she has received complaints of loitering at Citrus Lounge located at McFadden Avenue and Brookhurst Street.

Planning Manager None

City Attorney None

Reporting on AB 1234 None

Adjournment The meeting was adjourned at 9:40 p.m. to the Planning Commission meeting of July 16, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant