



**PLANNING COMMISSION  
Minutes of Regular Meeting  
Westminster Council Chambers  
8200 Westminster Boulevard  
Westminster, CA 92683  
August 20, 2008  
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, August 20, 2008 called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Tran, Turro  
Commissioner absent: Chow, Krippner
- Staff Attendance** Doug Mclsaac, Community Development Director; Art Bashmakian, Planning Manager; Alexis Schopp, Associate Planner; Fenn Moun, Planning Technician; 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 Chairman Turro.
- Approval of Minutes** The minutes of the regular meeting of August 6, 2008 were approved on motion of Commissioner Bertels, seconded by Chairman Turro, and carried 3-0-2, Commissioners Chow and Krippner absent.
- Mr. Bashmakian introduced the new Community Development Director, Doug Mclsaac, who served as the Planning Director for the City of West Covina. Mr. Mclsaac stated he was excited to work with staff and was glad to be part of the team.
- Oral Communication** Mr. Darrell Nolta, a Westminster resident, commended Commissioner Bertels for his vigilance in keeping Little Saigon area clean. He stressed the importance of alternative energy and encouraged the City to get involved.
- Written Communications** None
- Public Hearing A. Case 2008-30**  
**Location:** 16400 Beach Boulevard  
**Assessor's Parcel Number:** 107-220-70

The application involves a Site Plan and Design Review for the conversion of the existing 10,307-square-foot semi-enclosed garden center to indoor sales area and the construction of a 6,686 square-foot addition to the existing 129,357-square-foot Target retail store.

**Staff Recommendation:** That the Planning Commission approve the site plan and design review.

Ms. Alexis Schopp made a brief presentation on the applicant's proposal. Based on staff findings and conditions, Ms. Schopp recommended the approval of the site plan and design review.

The public hearing was opened.

Speaking in favor was Mr. John Warren of Pacific Land Services, the entitlement consultant for Target, 2151 Salvio Street, Ste. 250, Concord. Considering that many changes have occurred since the store's façade upgrade in 2004, Mr. Warren indicated that the improvements will bring the store up to date, permanently removing the garden center and completely remodeling the store's inside and outside premises, similar to the new Target Store in Huntington Beach. He mentioned that Ms. Tiffany Kirk of MBH Architects, designer of the project, was available to answer any questions.

Ms. Tiffany Kirk of MBH Architects, 2470 Mariner Square Loop, Alameda, California was also in favor of the project.

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

While Commissioner Bertels indicated he was in favor of the proposal, he did not appreciate the proposal's Southwestern paint theme which is getting popular in the City's commercial buildings. He indicated that he would rather see something different.

Ms. Kirk explained that they are trying to replicate Target's existing color and blend it with the other stores around the center.

Chairman Turro did not find anything wrong with the color and design scheme.

Motion

On motion of Commissioner Bertels, seconded by Chairman Turro, the Planning Commission approved Case 2008-30 subject to the conditions listed in the draft resolution. The motion carried 3-0-2, Commissioners Chow and Krippner absent.

**B. Case 2008-44**

**Location:** 15496 Magnolia Street #101

**Assessor's Parcel Number:** 143-061-06

The application involves Conditional Use Permit to allow sales of beer and wine for on-site consumption [Alcoholic Beverage Control (ABC) type 41 license] in conjunction with an established restaurant (Cat's Restaurant) located in a two-story commercial-retail building.

**Staff Recommendation:** That the Planning Commission approve the conditional use permit.

After presenting the applicant's request for conditional use permit, Mr. Fenn Moun noted that a letter of opposition from Mr. Peter Ton was emailed to staff and a copy was provided to the Commission. Mr. Moun recommended approval of the conditional use permit based on staff findings and comments received from the Police Department.

The public hearing was opened and speaking in favor of the conditional use permit request was Mr. Charles Manh, property owner, 8980 Westminster Blvd. He stated that he was proud to have the business as his tenant and he fully supports the ABC license request. He stressed that the owner does not intend to turn the high class restaurant into a nightclub.

Although Mr. Darrel Nolta, a Westminster resident, commended Mr. Manh for the improvement in the center, he expressed concerns that the sale of alcohol could have a negative impact on nearby residents, encourage sale to minors and drunkenness in the late night, and cause drunken driving.

In rebuttal, Mr. Manh explained that the beer and wine is only incidental to the restaurant. He contended that the request is compliant with the number of ABC licenses in the census tract; Police Department has confirmed low crime rate in the area; and the restaurant does not have any record of violations. Mr. Manh recognized the presence of the business owner, Ms. Catherine Dang.

Chairman Turro inquired if Ms. Dang completed the City's ABC affidavit, and Mr. Bashmakian confirmed that the signed form indicated that Ms. Dong did not have any prior ABC violations.

The public hearing was closed.

Mr. Bashmakian suggested that if the Commission decides to approve the request, the additional conditions should be included: live entertainment will not be allowed; and the business owner should maintain and provide an accounting of the sale of beer and wine of the business.

Mr. Manh opposed the additional conditions. Firstly, he stated that there is no space in the restaurant for live entertainment. Secondly, Mr. Manh felt that it would create a tremendous burden for Ms. Dang to comply with the condition to submit a report on the gross sale of beer and wine. He believed it was up to state law and not the Commission to decide which is considered incidental. However, Mr. Bettenhausen explained that the additional condition merely clarifies the existing City Code to what is incidental and necessary. Mr. Bashmakian read the specific City Code which states that alcoholic beverages shall comprise less than thirty percent of the gross receipts of the business. He added that this condition ensures the business remains a bona fide restaurant, now and in the future.

Motion

On motion of Chairman Turro, seconded by Commissioner Bertels, and carried 3-0-2 (Commissioners Chow and Krippner absent), the Planning Commission approved the conditional use permit including the additional conditions referenced by Mr. Bashmakian.

Reports

**A. Case 2008-32**

**Location:** 15582 Brookhurst

**Assessor's Parcel Number:** 143-142-07

The application involves extending hours of live entertainment to weekdays and weekends from 7:00 pm to 10:00 pm at an established Parcel Seafood Restaurant.

**Staff Recommendation:**

That the Planning Commission approve the conditional use permit.

Mr. Bashmakian recommended that the Planning Commission review and sign the revised copy of Resolution 2008-32 to reflect the Commission's action in its prior meeting of August 6, 2008.

Motion

Commissioner Bertels moved that the Planning Commission adopt Resolution 2008-32, memorializing the Planning Commission's action from the August 6, 2008 meeting. Chairman Turro seconded and the motion carried 3-0-2, Commissioners Chow and Krippner absent.

**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 Commissioners** Regarding the Saigon City Market, Commissioner Bertels informed the Commission that he spoke with Code Enforcement Manager Vicki Morgan who informed him that her staff is working on the problem.

Chairman Turro stated that he took out illegal signs along Brookhurst Street and Commissioner Bertels indicated that he had done the same.

**Planning Manager** None

**City Attorney** The Commission consented to Mr. Bettenhausen's advise to include the additional conditions stated in Case No. 2008-44 in future conditional use permit applications related to alcohol.

**Reporting on AB 1234** None

**Adjournment** The meeting was adjourned at 7:40 p.m. to the Planning Commission meeting of September 3, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA  
Administrative Assistant