



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**October 21, 2009**  
**6:30 p.m.**

---

**Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, October 21, 2009, called to order in the Westminster Council Chambers at 6:40 p.m. by Chairman Tran.

**Roll Call** Commissioners present: Bertels, Ho, Tran, Turro, Vo  
Commissioner absent: None

**Staff Attendance** Art Bashmakian, Planning Manager; Alexis Schopp, Associate Planner; Steve Ratkay, Associate Planner; Maria Moya, Administrative Assistant; and Christian Bettenhausen, Deputy City Attorney

**Salute to the Flag** All persons present joined in the Salute to the Flag, conducted by Mr. Bettenhausen.

**Approval of Minutes** The minutes of the regular meeting of October 7, 2009 were approved on motion of Chairman Tran, seconded by Commissioner Bertels, and carried 5-0.

**Oral Communication** None

**Report from the Secretary on Late Communication Items** None

**Public Hearing A. Case 2009-16 Conditional Use Permit, Site Plan, and Design Review Location: 14472 Chestnut Street (Assessor's Parcel Number 096-152-15)**  
**Continued from 10/7/2009**

An application for a Conditional Use Permit, Site Plan, and Design Review to allow the conversion of a single-family residence to a religious place for worship in conjunction with living quarters. The

residence has been used as a place of worship at least since December 2008. This matter was continued from the meeting of October 7, 2009.

**STAFF RECOMMENDATION:** That the Planning Commission approve the Conditional Use Permit, Site Plan, and Design Review.

Ms. Alexis Oropeza indicated that from the time this item was continued from the last meeting, staff had received three letters of support and a letter of opposition from the Westminster Community Theater relating to the unavailability of parking in the project area during the church's special event last February. There was no complaint received after the second event last September, however, the Westminster Community Theater did not have a scheduled performance that day.

She mentioned that Condition No. 7 was modified to clarify the maximum number of participants on site from 80 to 170, and limited special events only up to seven a year without modifying the permit.

Based on staff findings and analysis, Ms. Oropeza recommended that the Planning Commission approve the Conditional Use Permit, Site Plan, and Design Review subject to the conditions in the draft resolution.

The public hearing was opened and speaking in favor was a regular attendee of the temple, Mr. Tham Ha of 11861 Moran Lane, Garden Grove, who requested approval of the project.

A retired teacher and a Buddhist, Ms. Bang Pham Nguyen of P O Box 2483, La Habra, stated that religious centers bring peace, security, and moral values to the City. She ensured the Commission that they will be very respectful to the neighbors and will comply with the law. She introduced the Master Head of the temple, Dr. Lee, as an law-abiding person, and expressed her gratitude to staff and looked forward to the Commission's approval.

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

Chairman Tran stated that he has been in the temple many times. Since Buddhism is the largest religion of the Vietnamese, he stated that these people will need a place to worship. He was in favor of the project.

Commissioner Vo concurred with Chairman Tran adding that Buddhism is a peaceful religion. He stated that Buddhists are respectable people and commended staff for taking time to work with the applicant especially removing the time limitation of worship. Although he felt some modifications are still needed in the conditions of approval, he was supportive of the project.

Commissioner Turro also supported the project.

Motion

Commissioner Turro moved that the Planning Commission approve the Conditional Use Permit, Site Plan, and Design Review including staff modifications on Condition No. 7 and Condition No. 18, allowing a “minimum” of at least one trash can in the premises. Commissioner Ho seconded.

Commissioner Vo suggested the following amendments to the motion: Condition No. 5 line 4 to read, “...the facility shall not be used as a permanent housing, except that the premises shall include living quarters for the staff of the religious order...”; Condition No. 7 to indicate a maximum capacity of 170 people at any one time including weekdays; delete Condition No. 13; Condition No. 15, delete the last sentence limiting the number of special events; and correct the numbering system from Condition No. 18 and onwards. With the approval of the second, Commissioner Turro agreed with the proposed changes. The motion carried 5-0.

**B. Case 2009-34 Modification of Conditional Use Permit**  
**Location: 15192 Goldenwest Street (Assessor’s Parcel**  
**Number 142-383-13)**  
**Michael’s Sport Pub and Grill**

Public hearing to consider modifying the conditions of approval of the existing conditional use permits (C-811 and C-865) which authorized the on-sale of beer, wine and distilled spirits and the use of five pool tables at Michael’s Sport Pub and Grill.

STAFF RECOMMENDATION: That the Planning Commission modifies Conditional Use Permits C-811 and C-865 to include additional conditions related to the operation of the business.

Mr. Steve Ratkay provided a brief background of the business including its existing entitlements and approvals. Due to police-related occurrences at the business, the Planning Commission, at its June 17, 2009, voted to set a public hearing to an unspecified date for possible modification or revocation. Since then, the Police

Department had met with the business owners to address the concerns of the City and nearby residents, and has endorsed the proposed changes to address the concerns. Staff believes that these proposed changes in the existing entitlements will protect the general welfare of the community, and recommended the adoption modifying the existing conditional use permits.

During Mr. Ratkay's presentation, he recommended that the Commission make the following changes in the draft resolution:

- 1) Section 2, delete lines 3 and 4;
- 2) Replace Condition No. 1 with the following:  
The proposed modification will not diminish the value of adjoining properties.  
The activities associated with the business as outlined in the Police Department's report dated May 20, 2009, was such that the operation of the business was determined not to be in full compliance with the previously approved conditional use permits. The business owner working with the Police Department has established new conditions that will enable the business to operate in full compliance with the previously approved conditional use permit.
- 3) Condition No. 2, second paragraph – Replace lines 3-6 with the following, "...order to eliminate the components of the business operation which have been determined inconsistent with the previously approved conditional use permits."

Mr. Christian Bettenhausen pointed out it was important that the applicant/business owners acknowledge that they are present in this meeting for a possible modification or revocation hearing and that they are presenting the proposed modifications as an alternative so that the Commission can make the required findings.

Sgt. Dan Schoonmaker of the Police Department stated that the proposed changes resulted from working with the business owners and residents regarding the problems. The Police Department endorses these changes since they are effective and working very well.

The public hearing was opened.

Speaking in favor was Mr. Jeff Evans, attorney for the restaurant, Michael's Sports Pub & Grill, P O Box 2331, Seal Beach. He reiterated that the proposed modifications resulted from taking concerns from the public and working with staff, nearby residents, and Police Department, and according to him, many of these

conditions are already underway. He confirmed they were in full agreement with the conditions of approval.

He disagreed, however, that there was ever a finding of fact that the business was a “nuisance” or “detrimental to the public in the past”. As Mr. Ratkay pointed out in his presentation, Mr. Evans contended that since the business owner/applicant had volunteered to modify the conditional use permit, such findings were not necessary and therefore staff recommended revisions to the draft resolution mentioned in the presentation.

For the record, Mr. Evans confirmed that he is coming forward voluntarily to modify the conditional use permit and is working cooperatively with staff and the Police Department.

Mr. Marcel Lacella of 7142 Wellesly, was pleased that the Police Department is working with the business owners as it sounded very promising to him. However, he was still concerned about the security in the parking lot since he never received the contact phone number for complaints.

Mr. Evans responded that the business has a management security pool that will patrol the parking lot periodically to ensure that no one is in the parking lot by 2:15 am. He indicated that he will provide the contact phone numbers to Mr. Lacella if he has any concerns.

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

Commissioner Turro was supportive of the proposed modifications as long as everyone was in agreement.

Commissioner Ho felt the business is very proactive in addressing the concerns and she was comfortable with the proposed modifications.

Motion

Commissioner Turro moved that the Planning Commission modify Conditional Use Permits C-811 and C-865 to include additional conditions related to the operation of the business as proposed by the applicant and the changes in Section 2 of the draft resolution as recommended by staff. Commissioner Bertels seconded and the motion carried 5-0.

Reports

- A. **Case 2006-82 Review of a Previously Approved Conditional Use Permit**  
**Location: 1025 Westminster Mall (Assessor Parcel Number 195-373-17) Howie’s Game Shack**

Presentation of a summary of facts regarding the operations at Howie's Game Shack, a computer gaming arcade located within the Westminster Mall.

STAFF RECOMMENDATION: That the Planning Commission receive and file the report.

Motion

On motion of Commissioner Bertels, seconded by Commissioner Turro, and carried 5-0, the Planning Commission received and filed the report.

**B. Case 2006-94 Review of a Previously Approved Conditional Use Permit**

**Location: 14541 Brookhurst Street # A-3 (Assessor's Parcel Number 098-594-11)**

**Ocean Blue Restaurant.**

Review of the 11:30 p.m. weekend closing time of Ocean Blue Restaurant and Lounge, to determine if said closing time has resulted in any negative impacts.

STAFF RECOMMENDATION: That the Planning Commission receive and file the report.

Motion

On motion of Commissioner Ho, seconded by Commissioner Turro, and carried 5-0, the Planning Commission received and filed the report.

**C. Selection of Alternative Meeting Date to November 18, 2009.**

Since the City Council will meet on the same date (November 18) and same location as the Planning Commission, Mr. Bashmakian asked the Commission to select an alternative meeting date. The Commission unanimously agreed to meet on Thursday, November 19, 2009, at 6:30 p.m.

**Administrative Adjustments**

None

**Items from the Planning Commission**

None

Commissioner Turro commended his fellow Commissioners for its input and consideration of the two public hearing cases.

**Comments: Planning Commissioner**

None

**Planning  
Manager**                    None

**City Attorney**                    None

**Reporting on  
AB 1234**                    None

**Adjournment**                    The meeting was adjourned at 8:50 p.m. to the Planning Commission meeting on Thursday, November 19, 2009 at 6:30 p.m. in the Council Chambers.

Respectfully submitted,

MARIA MOYA  
Administrative Assistant