



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**April 15, 2009**  
**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, April 15, 2009, called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Tran.
- Roll Call** Commissioners present: Bertels, Ho, Tran, Turro, Vo  
Commissioner absent: None
- Staff Attendance** Doug Mclsaac, Community Development Director; Art Bashmakian, Planning Manager; Michael Patterson, Assistant Planner; Fenn Moun, Planning Technician; 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 Commissioner Vo.
- Approval of Minutes** The minutes of the regular meeting of March 18, 2009 were approved on motion of Commissioner Bertels, seconded by Commissioner Vo, and carried 4-0. Chairman Tran did not vote because he was absent in that meeting.
- Oral Communication** None
- Report from the Secretary on Late Communication Items** None
- Public Hearing A. Case 2009-14 Zoning Text Amendment**  
**Location: Citywide (Commercial Districts)**
- Zoning Text Amendment (ZTA) to allow limited entertainment in conjunction with a restaurant, bar, lounge, club, coffee shop or any other similar establishment by right subject to development and performance standards.

STAFF RECOMMENDATION: That the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow limited entertainment by right.

As a follow-up to the last meeting, Mr. Art Bashmakian presented the description of the zone text amendment that would allow limited entertainment without a conditional use permit subject to development and performance standards. Based on staff analysis, the Commission received staff recommendation to recommend that the City Council adopt an ordinance amending the current zoning regulations to allow limited entertainment without the requirement for a conditional use permit. Mr. Bashmakian indicated that Police Officer Dan Schoonmaker of the Police Department was available to answer any questions.

Commissioner Turro requested clarification of "...to allow limited entertainment by right..." on page 2, second to the last paragraph, of the agenda. Mr. Bashmakian explained that the language was modified in the staff report which meant and should be stated "without requiring a conditional use permit".

Referring to Exhibit I d of the staff report, Commissioner Bertels suggested that the language should be revised to accurately reflect that Police Department will have access to the building as the staff report indicated that everything (windows, doors) will be closed up. Mr. Bashmakian consented.

Mr. Christian Bettenhausen arrived at 6:53 p.m.

The public hearing was opened. No one spoke in favor nor in opposition, and the public hearing was closed.

Motion

Commissioner Vo moved that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow limited entertainment without a conditional use permit. Chairman Tran seconded.

Commissioner Turro was concerned that restaurants, bars, lounges, or similar establishments can acquire a permit for entertainment without a public hearing. He preferred that all conditional use permit requests be considered by the Commission as he did not want to put the Police Department under strain checking on these requests. He wanted to provide the public the opportunity to hear the requests and help the Commission decide

whether a permit should be allowed or not. Further, Commissioner Turro did not want to arbitrarily change the current ordinance as he felt some changes in the verbiage in the zone text amendment were necessary. While the permits may comply with Code at the present, he commented that he wants to avoid any problems that could arise in the future.

Commissioner Bertels concurred with Commissioner Turro.

Substitute  
Motion

Commissioner Turro moved that the Planning Commission deny that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow limited entertainment by right. Commissioner Bertels seconded. The motion carried 3-2, Chairman Tran and Commissioner Vo dissented.

Reports

**A. Case 2008-88 Site Plan and Design Review**

**Location: 7742 13th Street (Assessor's Parcel Number 096-351-01)**

Application to demolish an existing single-family dwelling to develop three residential apartment units. Unit 1 and 2 will be 1,700-square feet with three bedrooms, two bathrooms each and Unit 3 will include four bedrooms, two bathrooms for a total of 1,900-square feet. The apartment building will be two-stories and 25 feet, 8 inches in height.

**STAFF RECOMMENDATION:** That the Planning Commission approve the proposed Site Plan and Design Review to construct three apartment units.

Mr. Fenn Moun provided a brief overview of the applicant's proposal to construct three apartment units. Based on staff analysis and findings, he recommended that the Planning Commission approve the proposed Site Plan and Design Review to construct three apartment units at the corner of Cedarwood Avenue and 13<sup>th</sup> Street.

No one requested to speak in favor nor in opposition.

Motion

On motion of Commissioner Vo, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approve the proposed Site Plan and Design Review to construct three apartment units.

**B. Case 2006-82 Review of a previously approved Conditional Use Permit**

**Location: 1025 Westminster Mall (Assessor's 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.

In compliance with the previously approved conditional use permit, Mr. Michael Patterson presented the summary of facts to the Commission. Based on the applicant's proposed measures to address the concerns, he indicated that Police Department has agreed not to initiate a public hearing at this time, and recommended that the Planning Commission receive and file the report. He indicated that Officer Schoonmaker is available to answer any questions.

Officer Schoonmaker stated that after meeting with Howie's management, with the collaboration of Mall management, the Police Department is satisfied that Howie's had come up with a good plan they believe will work. They don't anticipate any setback, but if the plan fails, Police will report back to the Commission.

Motion

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

**C. Case 2008-52 Review of a previously approved Conditional Use Permit**

**Location: 15440 Brookhurst St (Assessor's Parcel Number 108-553-25)  
Citryst Restaurant.**

Presentation of a summary of facts regarding the operations at Citryst Restaurant, an existing restaurant with on-sale of beer and wine and approved operating hours of 10:30 AM to 12:00 Midnight daily.

STAFF RECOMMENDATION: That the Planning Commission initiate a public hearing in order to consider staff's request to amend the Conditional Use Permit (CUP) to modify the operating hours.

Mr. Patterson made the presentation of the facts regarding the operations of Citryst Restaurant. Based on staff findings and analysis, he recommended that the Planning Commission initiate a public hearing in order to consider Police Department's request to amend the permit to modify the operating hours. He stated that Officer Schoonmaker is available to answer any questions.

The Commission allowed the representative of Citryst Restaurant, Mr. Bart Kasperowicz of 600 Anton Blvd., Costa Mesa, to speak. Mr. Kasperowicz requested the Commission not to initiate a public hearing as he felt it was prudent to wait until May 13 when City Council will consider and decide on the request from the Police Department to suspend the restaurant's police permit. Further, Mr. Kasperowicz chose to reserve his comments until May 13 so that he is consistent in terms of quantity and seriousness of the Police activities.

Officer Schoonmaker disagreed that the appeal by the business owner on the Notice of Suspension of the police permit to the City Council on May 13 will duplicate the request before the Planning Commission because the conditional use permit concerns will be addressed more during the Commission hearing.

Commissioner Vo did not believe that the incidents that occurred in the restaurant would necessitate a public hearing since it did not rise to a level considered to be violent. He felt it was unfair to hold the owner responsible for the patrons' actions outside the restaurant area.

Commissioner Turro indicated that there were sufficient issues and concerns to warrant a public hearing which will provide nearby residents the opportunity to participate. He added that every bartender or restaurant owner should not serve alcohol to a drunk. Officer Schoonmaker concurred.

#### Motion

Commissioner Turro moved that the Planning Commission initiate a public hearing based on the facts presented by the Police Department. Commissioner Bertels seconded.

Commissioner Vo agreed that alcohol should not be sold to a drunk within the restaurant area, but clarified that the restaurant owner has no control or responsibility for the patrons' actions outside the restaurant's premises.

The motion failed 2-3, Chairman Tran, Commissioner Ho, and Commissioner Vo dissented.

Motion Commissioner Vo moved that the Planning Commission deny staff recommendation to initiate a public hearing for Case 2008-52. Commissioner Ho seconded. The motion carried 3-2, Commissioners Bertels and Turro dissented.

**Administrative Adjustments** None

**Items from the Planning Commission** None

**Comments: Planning Commissioner** Commissioner Turro thanked Mr. Bashmakian for providing the contact list he requested.

**Planning Manager** Mr. Bashmakian thanked Planning staff for their work.

**Reporting on AB 1234** Chairman Tran, Commissioners Ho, Vo, and Turro indicated that they attended the Planners Institute Conference held in Anaheim last March 25-27 2009.

**Adjournment** The meeting was adjourned at 7:45 p.m. to the regular scheduled Planning Commission meeting will be on Wednesday April 29, 2009, at 6:30 p.m. in the Council Chambers Conference Room.

Respectfully submitted,

MARIA MOYA  
Administrative Assistant