



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**April 29, 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 29, 2009, called to order in the Westminster Council Chambers at 6:30 p.m. by Chairman Tran.

**Roll Call** Commissioners present: Bertels, Tran, Turro, Vo  
Commissioner absent: Ho

**Staff Attendance** Doug McIsaac, Community Development Director; Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Alexis Schopp, Associate Planner; Chris Wong, 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 Bertels.

**Approval of Minutes** The minutes of the regular meeting of April 15, 2009 were approved on motion of Commissioner Vo, seconded by Chairman Tran, and carried 4-0, Commissioner Ho absent.

**Oral Communication** None

**Report from the Secretary on Late Communication Items** Mr. Art Bashmakian mentioned that a memo from staff was provided to the Commission relating to Case 2009-02 and will be presented during the public hearing.

Commissioner Ho arrived at 6:40 p.m.

**Public Hearing A. Case 2009-02 Conditional Use Permit**  
**Location: 6777 Westminster Boulevard #A (Assessor's Parcel Number 203-541-28) (MK the Restaurant)**

An application filed for a conditional use permit to allow a cocktail lounge/bar, entertainment and on-site sales and consumption of beer, wine, and distilled spirits at a proposed 5,385-square-foot restaurant and cocktail lounge.

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

Mr. Chris Wong presented the applicant's request for a conditional use permit to allow a cocktail lounge/bar, entertainment, and on-site sales and consumption of beer, wine, and distilled spirits in the restaurant. He noted that staff's memo included Police Department's revisions in Conditional No. 6 which moved closing time on Friday and Saturday from midnight to 1 a.m. Based on staff analysis, the Commission received staff recommendation to approve the conditional use permit.

The public hearing was opened.

Speaking in favor, the applicant and business owner, Mr. Michael Vo, 7172 Parkside Place, indicated that he was in agreement with the conditions of approval. Mr. Vo admitted he has never operated a restaurant before, but his wife and his in-laws operate several restaurants in Orange County. In response to Commissioner Vo's suggestion about hiring a security guard in the early morning hours, Mr. Vo stated there is already a security guard on site in the shopping center and hiring a security guard will cause financial burden to the business. He added that the bartenders will be trained properly on the sale of alcoholic beverages. However, he will not hesitate to hire a security guard if problems arise during their business operation.

Because the business is located in a high crime area, Commissioner Turro expressed concern that customers can purchase alcoholic beverages without the consumption of cooked food.

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

Commissioner Vo wanted to limit the hours of operation and hire a security guard for public safety.

Commissioner Ho felt that hiring a security guard could cause financial burden to the applicant. She suggested a 1 a.m. closing time and imposing a six-month review if the permit is granted. Mr. Bashmakian explained that even without the six-month review, if

the nuisance rises to a level of concern, it will be agendized for revocation of the permit.

Referring to Condition No. 11 on page 5 of the Resolution, Commissioner Bertels, suggested that “and” be deleted as entertainment will be permitted only once a month.

Commissioner Turro concurred with Commissioners Vo, Ho, and Bertels.

Chairman Tran liked the project but was concerned about the security.

Motion

Commissioner Bertels moved that the Planning Commission approve conditional use permit subject to the conditions listed in the resolution including an additional condition that the applicant hire a security guard onsite during the peak hours of operation. Commissioner Turro seconded.

In addition, Commissioner Vo recommended Condition No. 11 use “or” instead of “and”, and a six-month review of the permit.

With the approval of the second, Commissioner Bertels agreed to modify his motion to include Commissioner Vo’s recommendations.

Mr. Christian Bettenhausen clarified the motion as follows: Approve the conditional use permit subject to conditions in the resolution including a security guard during peak hours of operation as the hours of operation will be 7 a.m.–12 a.m., Sunday to Thursday and 7 a.m. – 1 a.m., Friday and Saturday.

Commissioner Ho was not agreeable to hiring a security guard as she felt it will cause financial burden to the applicant although she was amenable to a six-month review.

Commissioner Bertels withdrew his motion.

Motion

Commissioner Bertels moved that the Planning Commission approve conditional use permit for Case 2009-02 subject to the conditions in the resolution including the following revisions in the conditions of approval: 1) delete “and” in Condition No. 11; and 2) business shall be subject to review by the Planning Commission after six months from the date a business license is issued. Commissioner Turro seconded and the motion carried 5-0.

**B. Case 2009-03 Conditional Use Permit**

**Location: 13531 Beach Boulevard (Assessor's Parcel Number 096-290-56) (Kori Sushi)**

An application filed for a Conditional Use Permit to allow the issuance of a California Department of Alcoholic Beverage Control (ABC) Type 41 License for on-sale and consumption of beer and wine in conjunction with an established 1,200-square foot restaurant.

STAFF RECOMMENDATION: That the Planning Commission approve the Conditional Use Permit.

Mr. Fenn Moun made a brief presentation on the proposal for on sale beer and wine in a restaurant business. Based on staff findings and analysis, the Planning Commission received staff recommendation to approve the Conditional Use Permit.

The public hearing opened and closed as no one wished to speak in favor or in opposition of the proposal.

Commissioner Vo had no objection as he felt the hours of operations is reasonable and consistent with other sushi bars.

Chairman Tran concurred with Commissioner Vo and added that sushi goes better with beer.

Motion

On motion of Commissioner Tran, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission approved Conditional Use Permit for Case 2009-03 subject to the conditions in the resolution.

**C. Case 2009-07 Variance**

**Location: 8602 Westminster Boulevard (Assessor's Parcel Number 097-531-19) (West Grove Plaza)**

An application for a Variance to increase the sign area of an existing pylon sign from 95 square feet by an additional 120 square feet for a total sign area of 215 square feet and maintain the existing sign height.

STAFF RECOMMENDATION: That the Planning Commission deny the variance.

Ms. Alexis Schopp made a brief presentation on the applicant's proposal to increase the sign area of an existing pylon sign and

maintain the existing sign height. Based on staff findings and analysis, she recommended denial of the variance.

The public hearing was opened.

The applicant, Freedom and Beach Signmakers' representative, Mr. David Beach of 1555 McGaw Avenue, Irvine, contended that the unique L-shaped layout of the shopping center does not provide sufficient visibility for the businesses. The proposal will provide better exposure to their 20 tenants and will upgrade and improve the existing sign.

Mr. Fred Shitara, 12081 Morgan Lane, Garden Grove, indicated that he has been the property manager of the shopping center for 15 years. He indicated that enforcement of the Code would cause hardship to the tenant, but not for the property owner who continues to receive rental revenue.

Commissioner Vo disagreed with Mr. Shitara pointing out that the property owner will similarly be affected if the tenants leave. Mr. Beach concurred with Commissioner Vo since the owner wants to satisfy his tenants to keep them.

Commissioner Ho sympathized with the property owner, however, as a property owner herself, she complies with the code instead of changing it. She suggested a long-term solution by encouraging the tenants to market their businesses.

No one spoke in opposition.

Mr. Doug Mcisaac commented that while staff is sympathetic to the needs of the community, the size of a sign is not intended to identify all the tenants as it creates clutter and difficulty identifying the names of the businesses. He mentioned an option which is to redesign the whole sign by making the name of the shopping center smaller and identifying some of the tenants. Mr. McIsaac pointed out this proposal may set a precedent if the variance is granted.

The public hearing was closed.

Commissioner Vo agreed with staff as he felt there were not enough compelling reasons to grant a variance.

#### Motion

On motion of Commissioner Vo seconded by Commissioner Bertels, and carried 5-0, the Commission denied the variance for Case 2009-07 based on staff analysis and findings.

**Reports**

**A. Case 2006-87 Review of a previously approved Conditional Use Permit**

**Location: 14541 Brookhurst Street, Suites B5 and B6 (Assessor's Parcel Number 098-594-11) (Socal Crawfish Connection)**

Presentation of a summary of facts regarding the operations at Socal Crawfish Connection (formerly Luc Huyen Cam Cafeteria) a full-service restaurant with approved operating hours of 8:00 AM to 11:00 PM daily and on-sale service of beer and wine between the hours of 11:00 AM and 10:00 PM daily.

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

Mr. Bashmakian presented the summary of facts regarding Case 2006-87 recommending that the Commission receive and file the report, taking no further action at this time.

**Motion**

Commissioner Bertels moved that the Planning Commission receive and file the report. Chairman Tran seconded and the motion carried 5-0.

**B. Case 2009-24 Zoning Text Amendment**

**Location: Citywide**

Initiation of Zoning Text Amendment to allow for artificial turf.

**STAFF RECOMMENDATION:** That the Planning Commission adopt the Resolution initiating the Zoning Text Amendment.

Upon requests from a number of residents and business owners regarding the use of artificial turf as a means of reducing maintenance and water costs, Mr. Steve Ratkay stated that the adoption of the resolution will authorize staff to begin studying the proposed ordinance that would allow artificial turf for landscaping.

**Motion**

On motion of Commissioner Bertels, seconded by Commissioner Turro, and carried 5-0, the Planning Commission adopted the resolution to initiate zone text amendment to allow to draft a new ordinance that addresses the use of artificial turf.

<b>Administrative Adjustments</b>	None
<b>Items from the Planning Commission</b>	None
<b>Comments: Planning Commissioner</b>	
<b>Planning Manager</b>	Mr. Bashmakian thanked staff for their work.
<b>City Attorney</b>	Mr. Bettenhausen clarified that financial burden is not considered a hardship.
<b>Reporting on AB 1234</b>	Commissioners Turro corrected the minutes of the last regular meeting clarifying that he did not attend the Planners Institute Conference held in Anaheim last March 25-27 2009.
<b>Adjournment</b>	The meeting was adjourned at 8:55 p.m. to the regular scheduled Planning Commission meeting will be on Wednesday May 20, 2009, at 6:30 p.m. in the Council Chambers Conference Room.

Respectfully submitted,

MARIA MOYA  
Administrative Assistant

