



**PLANNING COMMISSION**  
**Minutes of the Regular Meeting**  
**Westminster Council Chambers**  
**8200 Westminster Boulevard**  
**Westminster, CA 92683**  
**June 17, 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, June 17, 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 McIsaac, Community Development Director; Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Alexis Schopp, 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 Commissioner Ho.
- Approval of Minutes** The minutes of the regular meeting of June 3, 2009 were approved on motion of Commissioner Bertels, seconded by Chairman Tran, and carried 5-0.
- Oral Communication** None
- Report from the Secretary on Late Communication Items** None
- Public Hearing A. Case 2009-14 Zoning Text Amendment – Limited Entertainment**  
**Location: Citywide**

Zoning Text Amendment (ZTA) to allow limited entertainment in conjunction with a restaurant, bar, lounge, club, coffee shop or any other similar establishment without a conditional use permit (CUP) subject to an administrative use permit (AUP) and 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 subject to the issuance of an administrative use permit (AUP) and development and performance standards.

Mr. Steve Ratkay made a brief presentation on the proposed zoning text amendment. Based on its findings and analysis, staff recommended that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow limited entertainment subject to the issuance of an administrative use permit (AUP) and development and performance standards.

Mr. Art Bashmakian explained that the proposed AUP operates like a conditional use permit and if there are concerns about its use, it can be reviewed by the Planning Commission. He indicated that the AUP fees had not been determined at this time.

Commissioner Turro wanted to make sure that the proposed amendment will not make it more difficult for the residents. He recommended a 15-day notification requirement instead of 10 days as it may not provide enough time for the public to respond to the proposal.

Commissioner Vo stated that the proposed text amendment would help expedite business owners applying for a CUP as long as no complaints are received in the process.

After reading the resolution and listening to staff's explanation, Commissioner Ho was supportive of staff's recommendation.

#### Motion

Commissioner Turro moved that the Planning Commission recommend that the Mayor and City Council adopt an ordinance amending the current zoning regulations to allow limited entertainment subject to the issuance of an administrative use permit (AUP) and development and performance standards including an amendment that 15-day notification process instead of ten days. Commissioner Bertels seconded and the motion carried 5-0.

**B. Case 2009-32 Planning Commission Determination**

**Location: 7151 Bestel Avenue (Assessor's Parcel Number 096-422-09)**

Consideration of the proposed design of a 1,475 square-foot second story addition to an existing four bedroom single-story residence with a detached garage.

STAFF RECOMMENDATION: That the Planning Commission determine whether the addition as proposed is consistent with the design of the surrounding neighborhood and compatible with the architecture of the existing dwelling.

Ms. Alexis Schopp presented the facts and analysis on the applicant's addition to a single-family dwelling. Based on this, staff recommended that Planning Commission determine if the proposal is consistent with the Municipal Code Section 17.08.020 (H) (2).

The Planning Commission allowed Mr. David Dowell of 5572 Rochelle Street to speak. Mr. Dowell, a friend of the applicant, indicated that the proposed addition complies with engineering requirements and the applicant is in agreement with all of staff's conditions.

The contractor, Mr. Jose Estevez of 23820 Post Road, Perris, CA, stated that they understand and will comply with City Code.

Motion

On motion of Chairman Tran, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission determined that the addition is consistent and compatible subject to a condition prescribing a specific modification such as the addition of supporting posts which are substantial, proportionate and aesthetically compatible with the design of the building.

**C. Case 2009-34 Conditional Use Permit Review**

**Location: 15192 Goldenwest Street (Assessor's Parcel Number 143-383-13)**

**Michael's Sports Pub & Grill**

Presentation of a summary of facts regarding the operations at Michael's Sports Pub & Grill, an existing restaurant with on-sale of distilled spirits and pool tables.

STAFF RECOMMENDATION: That the Planning Commission initiate a public hearing in order to consider staff's request to modify or revoke the Conditional Use Permits (CUP) permitting the sale of alcohol and the use of pool tables.

Mr. Ratkay presented the background of the business operations with the conditional use permit to sell alcohol and use of pool tables. Based on the nature and number of police related occurrences at the business, staff recommended that the Planning Commission initiate a public hearing in order to consider modifying or revoking the conditional use permit.

The Commission allowed Officer R. Schoonmaker of the Police Department's (PD) Special Investigations Unit to speak. Following City Council's direction to report problematic locations around the City, he stated they came across Michael's Sports Pub and Grill which had generated a number of calls for police service. A report summarizing Police investigation of the business was prepared and attached to the staff report. The Police Department staff was available to answer any questions.

Speaking in opposition, the attorney for Michael's Pub and Grill Mr. Jeff Evans of PO Box 2331, Seal Beach, informed the Commission that upon receipt of the agenda last week, they prepared a summary report which he provided to the Commission. He pointed out that the report provides a genuine interest from the business owner to work with the PD. He urged the Commission to study the facts from both sides to form an unbiased opinion. Mr. Evans contended that the owners are very experienced restaurateurs and pointed out it was premature to consider initiating a public hearing until their report has been reviewed as there has been significant decrease of incidents after March 2009.

Mr. Raul Da Costa of 23248 Clarendon Street, Woodland Hills, has been a partner of the business since 1978. He owns another business in Santa Monica, Yankee Noodles, in Santa Monica for 19 years. He indicated that he had worked with the community and has met with the PD regarding these disturbing issues. He said that many of these untoward incidents have stopped and the restaurant caters mostly to families. He was willing to do what was necessary to improve the situation.

Commissioner Vo commented that the number and severity of the police incidents were sufficient to initiate a public hearing. Commissioner Vo stated that he will decide only after reviewing all the reports.

Mr. Dwight Strickland, business operator, indicated that he had met with Det. Walker of the PD regarding the service calls and since then, the calls have decreased.

**Motion**

Chairman Tran, seconded by Commissioner Vo, moved that the Planning Commission initiate a public hearing in order to consider staff's request to modify or revoke the Conditional Use Permits (CUP) permitting the sale of alcohol and the use of pool tables.

In response to Commissioner Ho regarding how long they want to continue the item, Mr. Evans responded that it is up to the Commission to decide.

Commissioner Turro preferred to continue the item after July 15 as he will not be able to attend that meeting. He felt that it will provide more time for Michael's to prepare for the hearing.

The motion carried 4-1, Commissioner Ho dissented.

**Administrative Adjustments**

None

**Items from the Planning Commission**

None

**Comments: Planning Commissioner**

None

**Planning Manager**

Mr. Bashmakian informed the Commission that the July 15 meeting may be cancelled as Commissioner Turro will not be available and only two items are currently scheduled for the meeting. The Commission agreed to cancel the July 15 meeting.

In response to Mr. Bashmakian, Commissioner Ho indicated that she prefers to meet on June 25 for the Zoning Code Update study session.

**City Attorney**

None

**Reporting on AB 1234**

None

**Adjournment**

The meeting was adjourned at 8:15 p.m. to the regular scheduled Planning Commission meeting on Wednesday July 1, 2009, at 6:30 p.m. in the Council Chambers Conference Room.

Respectfully submitted,

MARIA MOYA  
Administrative Assistant