



PLANNING COMMISSION
Minutes of Regular Meeting
Westminster Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
September 3, 2008
6:30 p.m.

- Call to Order** The Planning Commission of the City of Westminster met in a regular session on Wednesday, September 3, 2008 called to order in the Westminster Council Chambers at 6:38 p.m. by Chairman Turro.
- Roll Call** Commissioners present: Bertels, Chow, Krippner, Tran, Turro
Commissioner absent: None
- Staff Attendance** Doug McIsaac, Community Development Director; Art Bashmakian, Planning Manager; Steve Ratkay, Associate Planner; Fenn Moun, Planning Technician, Shelley Dolney, 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** In the minutes of August 20, 2008, page 5, fourth paragraph, Chairman Turro pointed out that he was referring to Brookhurst Street in the city of Garden Grove, and not the Brookhurst Street in the city of Westminster. The minutes of the regular meeting of August 20, 2008 were approved as corrected on motion of Commissioner Bertels, seconded by Commissioner Krippner, and carried 3-2, Commissioners Chow and Krippner abstained as they were not present in the meeting.
- Oral Communications** None
- Written Communications** Mr. Art Bashmakian mentioned that in relation to Case No. 2008-47, a copy of Michael's Sports Pub & Grill's menu was provided to the Commission for its consideration.
- Following Mr. Bashmakian's suggestion, the Planning Commission changed the order of the agenda and started with VII. Reports, A. Case 2008-65 General Plan Conformity followed by VI. Public Hearings, B. Case 2008-45 Design Review – Level 3.

Reports

A. Case 2008-65 General Plan Conformity.

Location: Westminster Infrastructure Revitalization Redevelopment Project (Amendment Area No. 5)

In accordance with the California Community Redevelopment Law (“CRL”) Sections 33346 and 33453 and Government Code Section 65402, the Redevelopment Agency of the City of Westminster requests that the Planning Commission provide its report and recommendation on and determine if the proposed 2008 Amendment to the Redevelopment plan for the Westminster Infrastructure Revitalization Project conforms with the City’s General Plan.

STAFF RECOMMENDATION: That the Planning Commission recommend approval of and determine that the proposed 2008 Amendment to the Redevelopment plan for the Westminster Infrastructure Revitalization Project conforms to the City’s adopted General Plan.

Assistant to the City Manager Ms. Tami Piscotty briefly presented the proposed Infrastructure Redevelopment Plan (IRP) Amendment for its conformity to the City’s General Plan, and recommended its approval and conformance with the General Plan. She mentioned that the City’s fiscal consultant, Ms. Felize Acosta of Rosenow Spevacek Group was available to answer any questions. Ms. Piscotty clarified that the proposed amendments were unrelated to IRP’s long-term debt.

Motion

On motion of Chairman Turro, seconded by Commissioner Bertels, and carried 5-0, the Planning Commission determined that the proposed 2008 Amendment of the Redevelopment for the Westminster Infrastructure Revitalization Project conforms to the City’s adopted General Plan.

Public Hearing B. Case 2008-45 Design Review – Level 3.

Location: Northwest Corner of All American Way and 13th Street (Assessor’s Parcel Number 097-080-42)

The application involves a request to determine that the design of the proposed police station and adjoining parking facility comply with the City’s adopted design standards.

STAFF RECOMMENDATION: That the Planning Commission adopt Resolution No. 2008-45 recommending that the City Council approve Case 2008-45 pertaining to the design review of a new police station and adjacent parking facility within the civic center and adopt a mitigated negative declaration pertaining to the proposed development.

Mr. Steve Ratkay made a brief overview of the project proposing that the Planning Commission adopt the draft resolution recommending City Council approve the design review and adopt the mitigated negative declaration. He indicated that the project architects and environmental consultants were available to answer any questions.

Commissioner Bertels commented that he did not like the proposed design plans because it did not incorporate the Civic Center's English Tudor design theme. Captain Mitch Waller explained that the architect's goal was to portray a timeless design which will unite the English Tudor and contemporary architectural themes.

The public hearing was opened.

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

Motion

Commissioner Bertels moved that the Planning Commission adopt Resolution No. 2008-45 recommending that the City Council approve Case 2008-45 pertaining to the design review of a new police station and adjacent parking facility within the civic center and adopt a mitigated negative declaration pertaining to the proposed development. Chairman Turro seconded.

Commissioner Krippner commented it was hard to differentiate the south elevation from the north design elevation because they look the same. Mr. Ratkay and Capt. Waller explained that while the elevations were very similar, only the south elevation will have a parking garage and a rectangular balcony.

Commissioner Chow did not appreciate the proposed design for its lack of artistic value, but indicated she will vote in favor since she did not want to hold up the project.

The motion carried 5-0.

A. Case 2008-47 Conditional Use Permit.

Location: 15192 Goldenwest Street (Assessor's Parcel Number 142-383-13)

The application involves a request for a Conditional Use Permit to expand the dining area of an existing bar (Michael's Sports Pub & Grill) with a Type-47 ABC license to an adjacent lease space.

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

Mr. Fenn Moun made the presentation on the applicant's request for a Conditional Use Permit. He noted that staff received two phone calls opposing the CUP after the distribution of the staff report. Based on staff findings and analysis, Mr. Moun recommended the Planning Commission approve the request subject to the conditions in the draft resolution.

The public hearing was opened and the following spoke in favor.

Business owner Mr. Michael Stricklin of 5262 Blackpool Road indicated the expansion will enable them to cater to their growing clientele for its events and parties. Ms. Crystal Wadsworth, Executive Director of the Westminster Chamber of Commerce, stated that the expansion will benefit the business and the City. Ms. Sandra McClure of 6731 Westminster Blvd., President of the Westminster Chamber of Commerce, stated that she had been to the restaurant and never had any problems. Mr. Stricklin's co-owner of the business, Mr. Raul De Costa of 15192 Goldenwest Avenue, stated the sports/pool hall restaurant business has developed through the years into a family restaurant and many events are held there regularly. He indicated that he and Mr. Stricklin plan to make this business similar to their other successful restaurant, Yankee Doodles, in Santa Monica. A worker with Yankee Doodles, Mr. Robert Sanchez, stated that he is preparing a new menu for the restaurant's expansion.

Speaking in opposition were the following nearby residents from the city of Huntington Beach: Ms. Laurie Shepler of 6941 Canterbury Circle (provided a petition from residents to deny the request); Ms. Danielle Bevier of 6941 Canterbury Circle; Mr. Steve Nelson of 6962 Canterbury Circle; Mr. Richard Moore of 6921 Canterbury Circle (initiated with the ABC to revoke the restaurant's license); and Mr. Dean and Jill Okamura of 6961 Canterbury Circle;

They complained about constant police service calls, fights, loud music, screaming and yelling, impacted parking, loitering and partying in the parking lot until the early morning hours, potential to turn into a bar in the evening; fear for safety and insecurity; and lower home values.

The Commission allowed Sgt. Dan Schoonmaker of the Westminster Police Department to speak. He explained that the Police Department initially recommended denial. However, after discussion with the Planning staff, the Police Department believed that the proposal was an expansion into a family restaurant, and recommended its approval. Sgt. Schoonmaker clarified that if the proposal was to expand into a bigger bar, the Police Department would support denial.

In rebuttal, Mr. Stricklin indicated that as a family man, he understood the residents' concerns. He contended that the August 30 disturbance incident could not have occurred because the security guards clear the parking lot after 2 a.m. He added that they used to have only one security guard, but they now have two.

Mr. De Costa indicated he met with the Police Department to address the residents' concerns. He stressed that the proposed expansion will be focused on food consumption and he was hopeful that the problems will cease after the expansion as this was the direction they plan to go. Mr. De Costa stated that the expansion will create a better ambiance for dine-ins. He added that security will be provided in and out of the restaurant. He stated that they want to keep their license and assured the Commission that they will abide by all the conditions imposed by staff.

The public hearing was closed

Responding to Commissioner Chow's concern that the expansion could be used as bar area, Mr. Stricklin responded that it will be closed when not in use and open for overflow of special events. He added that security will be provided seven days a week and no one under 21 unaccompanied by an adult will be allowed inside the restaurant at night time. He commented that the past service calls were not life threatening.

Commissioner Bertels commented why two of the five pool tables will be moved to the new expanded area. Mr. Stricklin responded that the room will remain open only for banquet activities.

Chairman Turro indicated that he is pro-resident and believed residents should feel safe and secured in their homes.

Commissioner Chow stated she supports businesses as long as these businesses are legitimate and law abiding.

Commissioner Krippner indicated he represents ordinary citizens and he cannot see this happening in his own area.

Motion

Commissioner Krippner moved that the Planning Commission deny Case 2008-47 Conditional Use Permit. Commissioner Bertels seconded.

Commissioner Chow stated that she will approve the request subject to additional conditions such as improving security; controlling

overcrowding; providing a number for residents to call in case of problems; and not using the proposed expansion as a bar area.

Mr. Bettenhausen advised that Commissioner Chow could make a substitute motion if it is seconded.

Motion

Commissioner Chow moved that the Planning Commission continue the public hearing to allow the applicant to work with staff and the Police Department concerning the complaints raised by residents, and bring the proposal back to the Planning Commission for its consideration. No one seconded and the motion died.

Commissioner Krippner's motion stands, and the motion to deny carried 5-0.

The Planning Commission observed a recess at 9:10 p.m. and reconvened at 9: 18 p.m.

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 Commissioner

Commissioner Krippner stated that it bothers him if a public hearing is continued because he believes the Commission should take a stand on the issues.

Commissioner Bertels stated Saigon City Market's parking area remains a mess. He inquired if there were ordinances addressing "monster houses" and homes that are outlandishly painted. He informed the Commission that he is working with Code Enforcement Manager Vicki Morgan on the illegal palm trees.

Commissioner Chow reminded the Commission to take into consideration the residents input and to assist businesses. Commissioner Bertels pointed out that the Planning Commission represents the people's interest and merely guides the businesses. Chairman Turro added the Commission tries to accommodate businesses but not all the time since many businesses have no loyalty to the City as they move all the time. Commissioner Krippner stated that businesses are represented by the Chamber of Commerce. Mr. Bettenhausen discouraged the discussion since the issue was not in the agenda but he advised the Commission to agendize this issue if

they want to have a better understanding of who the Planning Commissioners represent. Except for Commissioner Chow, all the Commissioners did not agree to agendize the item.

**Planning
Manager**

None

City Attorney

None

**Reporting on
AB 1234**

None

Adjournment

The meeting was adjourned at 9:30 p.m. to the Planning Commission meeting of September 17, 2008 at 6:30 p.m.

Respectfully submitted,

MARIA MOYA
Administrative Assistant