



**PLANNING COMMISSION
Minutes of the Regular Meeting
Teleconference/Web Conference Only
8200 Westminster Boulevard
Westminster, CA 92683
August 18, 2021
6:30 p.m.**

**SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND
ATTENDANCE AT PUBLIC MEETINGS**

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of the Executive order N-25-20 Issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some or all of the Westminster City Planning Commission Members will participate in meetings via teleconference.

Pursuant to the State of California Executive order N-29-20 related to coronavirus (COVID-19), the Planning Commission of the City of Westminster, California convened on August 18, 2021 at 6:30 p.m. at 8200 Westminster Boulevard, Westminster, California, and via teleconference. Members of the public wishing to address the Planning Commission were asked to submit an e-mail for written comments or a request to speak form to provide verbal comments before the start of the meeting. Additionally, any members of the public in attendance that wished to speak, but had not provided a request to speak, form were also provided an opportunity to speak.

1. PLANNING COMMISSION ROLL CALL:

ANDERSON, M.NGUYEN, Q.NGUYEN, PHAM, SEID

PRESENT: ANDERSON, M.NGUYEN, Q.NGUYEN, SEID

ABSENT: PHAM

STAFF PRESENT:

Steven Ratkay, Planning Manager; Alexa Smittle, Community Development Director; Sandie Kim, Associate Planner; Scott Porter, Deputy City Attorney; Alejandro Lopez, Westminster Police Detective; and, Shelley Stevens, Senior Administrative Assistant.

2. SALUTE TO FLAG:

Senior Administrative Assistant Stevens led the salute to the flag.

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

Planning Manager Steven Ratkay reported there were 22 late communications regarding item 8.1. He further reported that one commenter had submitted images that may be considered obscene or inappropriate, as such the images were redacted for posting on the City's website. Unedited versions of the communications were provided to the applicant and the Commission. He offered anyone who wished to receive an unedited version of the communications could email the planning commission email box at wmpccomments@westminster-ca.gov and the unedited communications would be provided.

4. EX PARTE COMMUNICATIONS

Commissioner Anderson reported that he visited the project location for item 8.1 and met with one of the owners, Mr. Spicer, to view the interior of the facility at a time when the business was closed. Vice Chair M. Nguyen reported visiting the site to look at the exterior of the building and the surrounding neighborhood.

5. SPECIAL PRESENTATIONS - None

6. ORAL COMMUNICATIONS

Terry Rains, Westminster resident, provided an update on OC Entertainment, which is a local business previously approved by the Planning Commission. She stated that she had been in touch with the Westminster Police Department regarding the business operation and possible violations of the Conditional Use Permit. She reported that Code Enforcement was currently investigating the alleged violations.

Ms. Rains also asked permission to speak last during the public hearing for item 8.1. Chair Seid and Deputy City Attorney Porter were amenable to the request, as long as she spoke prior to the applicant's rebuttal.

7. APPROVAL OF MINUTES – April 21, 2021

Motion: It was moved by Chair Seid, and seconded by Commissioner Anderson, to approve the planning commission meeting minutes of April 21, 2021, as presented. The motion carried (4-0) with the following vote:

AYES:	ANDERSON, M. NGUYEN, Q. NGUYEN, SEID
NOES:	NONE
ABSENT:	PHAM
ABSTAIN:	NONE

8. PUBLIC HEARINGS

8.1 Case No. 2020-1163 (Conditional Use Permit)

Location: 7821-7823 Westminster Boulevard

Assessor's Parcel Number 096-321-20

Applicant: Cloud 9 Sports Bar OC

Project Planner: Sandie Kim, Associate Planner

PROJECT DESCRIPTION: A request to amend Conditional Use Permit (Case No. 2014-87) to allow the on-sale and consumption of beer, wine, and distilled spirits, whereas the current Conditional Use Permit allows for the on-sale and consumption of beer and wine, within an existing bar operating between the hours of 12 p.m. to 2 a.m., daily.

CEQA COMPLIANCE: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the requirements of the City of Westminster. If the requested amendments are approved, the project had been deemed to be Categorical Exempt per Class 1, Section 15301 of the California Environmental Quality Act (CEQA) because the project consists of the operation, permitting, licensing, and minor alteration of an existing structure and facilities involving negligible or no expansion of an existing use. If the requested amendment is denied, then CEQA does not apply to projects which a public agency rejects or disapproves under the provisions of CEQA Section 15270 (Projects which are Disapproved).

RECOMMENDATION: Staff recommends that the Planning Commission consider the requested Conditional Use Permit to amend Case No. 2014-87, and either approve or deny the applicant's request by adopting one of the two following resolutions:

- 1) "A Resolution of the Planning Commission of the City of Westminster Approving Case No. 2020-1163, Which Involves a Conditional Use Permit to Amend the Existing Conditional Use Permit (Case No. 2014-87) to Allow for Onsite Sale and Consumption of Beer, Wine, and Distilled Spirits, Whereas the Current Conditional Use Permit Allows for the Onsite Sale and Consumption of Beer and Wine in Conjunction with an Existing Bar on Property Located at 7821-7823 Westminster Boulevard (Assessor's Parcel Number 096-321-20);" or
- 2) "A Resolution of the Planning Commission of the City of Westminster Denying Case No. 2020-1163, Which Involves a Conditional Use Permit to Amend a Conditional Use Permit (Case No. 2014-87) to Allow for Onsite Sale and Consumption of Beer, Wine, and Distilled Spirits, Whereas the Current Conditional Use Permit Allows for the Onsite Sale and Consumption of Beer and Wine in Conjunction with an Existing Bar on Property Located at 7821-7823 Westminster Boulevard (Assessor's Parcel Number 096-321-20)."

Associate Planner Sandie Kim provided a PowerPoint presentation to the Commission.

Discussion ensued regarding the police report, saturation of the area, and other licensed alcohol uses in the census tract.

CHAIR SEID OPENED THE PUBLIC HEARING.

Liliger Damaso, with liquor license agents representing the business owners, stated the business had been in operation, under the current owners, with an Alcoholic Beverage Control License (ABC) Type 42 since 2018. She clarified that the request before the Commission was to upgrade the liquor license to an ABC Type 48 to include distilled spirits. She offered that the site has been in operation, with various tenants selling alcoholic beverages, since 1989. She provided examples of the business operation, how the business benefits the community, and the owners' experience in this industry. She explained that allowing the business to sell distilled spirits will help the owners increase revenue and help keep the business open after the recent Coronavirus pandemic closures.

Edwardo Plasencia, one of the business owners and a resident of Paramount, thanked the Commission for reviewing their project. He stated that he looked forward to growing the business within the City of Westminster. He offered that he, his business partner, and their agent would be available for any questions.

Landon Spicer, one of the business owners and resident of Huntington Beach, stated he appreciated the City of Westminster and the surrounding community. He offered that the upgrade of the liquor license would allow them to provide more to their employees, to their families, to their charitable donations, and more to the City of Westminster.

Commissioner Anderson stated there were 19 letters of support received. He noticed that 15 of the 19 letters received had the same type face and format and wondered if there was an explanation. Mr. Spicer responded that as the letters of support came in through email, he transferred those emails to Microsoft Word and formatted the letter to make it easier to read. He further explained that the emails were all jumbled together which originally made it difficult to read.

Janet Ristow/Henry Wiles, Westminster residents, who reside near the business location. Mrs. Ristow stated she and her husband have been residents of Westminster for 30 years. Mr. Wiles offered that he used to serve on a Commission for the City. Mrs. Ristow stated that there had been two occasions where intoxicated patrons left the bar drove into their house causing extensive damage. She then provided the details of both accidents. She acknowledged that it was difficult for the business to control how drunk people behave, but added that she was concerned that more alcohol would cause more intoxicated drivers traveling from the business location. She also offered that the bar also plays very loud music that can be heard a block away.

Commissioner Anderson inquired about Mrs. Ristow's noise concern and if the noise was still a problem now that the business had moved back inside the building. Mrs. Ristow responded that the music was especially loud during the pandemic closure when the operation moved outside; but it was still loud, especially on Saturday nights. She added that the business often left the back door open.

Jodie Boyd (a request to speak form was submitted, but she was not present to speak).

Nixia Johnson, employee of Keg Sluggers and a resident of Los Angeles, stated she has worked as a bartender at the location since February 2021. She loved working for her employer; adding that both the owners and customers are very respectful and feel like her family. She then described the "last call" process starting at 1:00 a.m. when they stop serving alcohol, turn their music down, and offer customers water. She added that they also offer to let customers leave their cars in the parking lot and assist by calling for a ride in the event a customer feels too intoxicated to drive.

Raymond Ramirez, Westminster resident, stated he was speaking on behalf of the business owners as supporters of local youth organizations. He offered that the business joined the Westminster Chamber of Commerce about four years ago, they soon after reached out to other businesses in the area and asked how they could help the community. They have provided assistance to both the Boys and Girls Club of Westminster and Blessed Sacrament in Westminster. He opined that it really spoke to the owners' character since the owners are willing to reach out and support children in the community.

Dora Garcia, resident of Lynwood, stated she has visited the establishment several times with friends, loved the environment, and has felt extremely safe with every visit. She offered that she had never witnessed any altercations at the establishment. She agreed with Mr. Ramirez's comment that the owners are good for the community by supporting inner city youth organizations, which she felt was very commendable.

Discussion ensued regarding multiple images submitted by Terry Rains and which set of images she would prefer to display during her presentation.

Terry Rains, Westminster resident, stated she sent two emails to the Commission regarding her comments this evening, the Planning Commission Clerk displayed the images (some redacted) on the Zoom meeting for the public during her presentation. She stated she was opposed to amending the Conditional Use Permit to allow distilled spirits to be served in addition to their existing beer and wine service. She offered that the police report was incomplete by referencing data for a period of time the business was closed during the pandemic; and, not including off-site data like the automobile crash at the home of Janet Ristow. She provided samples of her research indicating that one or both of the owners may have had some questionable history that may adversely affect this business. She then offered that the employees wear questionable

attire, showing portions of buttocks, which violates the Westminster Municipal Code 9.16.040.

There were no written comments to read into the record. It was noted that there were 22 late communications submitted previously to the Commission and are all part of the project record.

THERE BEING NO OTHER SPEAKERS OR WRITTEN COMMENTS TO BE READ INTO THE RECORD, CHAIR SEID CALLED THE APPLICANT FOR REBUTTAL.

Liliger Demaso, applicant's designee, responded to Mrs. Ristow's comment about noise and offered just like other businesses during the Coronavirus Pandemic, Keg Sluggers had the opportunity to take their business operation outside to offer service to patrons. She then shared that the business was no longer doing business outside. In response to Ms. Rain's comments, Ms. Demaso offered that the business was unsure of how the Coronavirus Pandemic closure affected them, so they continued to operate and were issued a 15-day probation by the ABC which was ultimately waived. She then clarified that when an ABC license type 47 is being transferred to a type 48, the license has to be surrendered from the original location in order for the transfer to take place. She also clarified the attire and stated that the business is a bar and the employees wear a uniform, but the owners were open to suggestions. She then described some planned operational changes of the business, such as offering pre-packaged snacks to customers and implementing a designated driver program with free non-alcoholic drinks to the designee of a group. She offered that the business has plans to have their team trained through the ABC on how to remove intoxicated patrons. She added that the business is also planning on hiring one to two security guards every day from 8:00 p.m. to 2:00 a.m. to be present in the event that there may be some sort of altercation.

Commissioner Anderson inquired if the business was leaving the back door open during business hours, referring to a comment made earlier by Mrs. Ristow. He also asked if anyone from the City has advised the business as to what was acceptable for employee uniforms and if hiring security was definite. Ms. Demaso stated that she would let the owners answer the question about the back door. She stated that nobody from the City has indicated there was an issue with the uniforms, but offered that the owners were willing to consider any suggestions. She also stated that hiring security was something the owners were very sincere about, since they want to serve full liquor and wanted to circumvent any altercations.

Commissioner Q. Nguyen inquired how many security guards were utilized at the location. Commissioner Anderson asked to clarify the hours that the current security guard works. Mrs. Demaso responded that there was one security guard staffed at 7:00 p.m. daily and also a manager on staff at all times.

Business owner, Eduardo Plasencia, stated that Westminster Police Department has visited the location many times and has never offered any comments that the uniforms

violated any City Codes. He offered that there were similar businesses and coffee shops where uniforms provide less coverage than the uniforms at Keg Sluggers. He extended his apology to anyone who may be offended by the business uniforms and extended his apology to the resident that had an automobile accident at her home. He offered that one of the two incidents happened before they assumed ownership of the business; and, the other incident, though looking at camera footage, was proven by Westminster Police Department that the driver did not come from Keg Sluggers. He wished to know if there was a police report indicating that the driver came from their business; adding, that he was feeling a little bit attacked on the matter. He offered that the business was outside during the Coronavirus Pandemic closure, so the business was noisier at that time but they did lower the volume at 10:00 p.m.

Landon Spicer stated that he agreed with the comments that Mr. Plasencia made and thanked the Commission for their time and consideration.

Commissioner Anderson inquired about Ms. Johnson's comment that the music is turned down at 1:00 a.m., versus at 10:00 p.m. as required by City Code; and, inquired about the security guard coverage. He also stated he noticed when he visited the site that the air conditioning was working, he wondered why the backdoor was being left open.

Mr. Plasencia responded that Ms. Johnson earlier comment was referring to the fact that they turn the music off completely at 1:00 a.m. He stated that a manager is present from open to close and security is currently brought in on Friday and Saturday from 8:00 p.m. to close. He offered that after liquor license is upgraded, they will have a security guard present from 8:00 p.m. to close seven days a week. He added that they wouldn't really be able to afford the additional security until their license has been upgraded.

Mr. Spicer responded that the door was generally open, but it is closed at 10:00 p.m. so there is less noise for the neighbors. He and Mr. Plasencia stated they were not opposed to keeping the door closed. Mr. Plasencia added that they have never been told before that keeping the door open was an issue, but they want to do whatever it takes to make nearby residents happy.

WITH REBUTTAL CONCLUDED, CHAIR SEID CLOSED THE PUBLIC HEARING.

Chair Seid inquired if there had been any formal noise complaints in the past year. Detective Lopez stated August 20, 2020 and October 4, 2020 there were noise complaints from a nearby resident.

Commissioner Anderson inquired about the uniforms and if they were compliant with the Westminster Municipal Code. Chair Seid inquired if there had been any complaints filed in regards to the uniforms at this establishment. Detective Lopez stated that the Westminster Municipal Code did have a reference to "exposed buttocks" as stated earlier during the public hearing, but the owners were correct that it is an ongoing

issue at many establishments; and, there was a complaint filed on August 24, 2020 about employees serving patrons in G-string bikinis on the back patio, there were no other complaints recorded.

Chair Seid offered that although a number of issues were mentioned today, it seemed that the business owners had been compliant when there were any inquiries from the Westminster Police Department. He opined that as long as the owners received proper feedback, it seemed that they have a desire and are willing to comply. He further stated that it seemed they have not received any feedback from the City that the uniforms did not comply with the Westminster Municipal Code.

Discussion ensued about the possibility of conditionally approving the request with a three month review period, the length of time it may take for the applicants to obtain their liquor license, and the parameters within the conditions of approval and within the City Code that allow a permit to be revoked for non-compliance.

Chair Seid stated that the Alcoholic Beverage Control census tract is not over saturated, so we can still accommodate a new or upgraded liquor license in the area. He again offered that the business seems compliant as long as they get feedback; and, if issues come up, the Conditional Use Permit can come back to the Planning Commission for review or revocation.

Motion: It was moved by Chair Seid, and seconded by Commissioner Q. Nguyen, to approve 2020-1163, which involves a Conditional Use Permit to amend the existing Conditional Use Permit (Case No. 2014-87) to allow for onsite sale and consumption of beer, wine, and distilled spirits, whereas the current Conditional Use permit allows for the onsite sale and consumption of beer and wine in conjunction with an existing bar on property located at 7821-7823 Westminster Boulevard (Assessor's Parcel Number 096-321-20).

Discussion ensued about amended conditions of approval in the proposed Resolution.

Motion: It was moved by Commissioner Anderson, and seconded by Vice Chair M. Nguyen, to amend condition number 33 of the Resolution, to restate that the business owner is to provide professional on-site security from 8:00 a.m. to 2:00 p.m. daily. The motion to amend condition 33 carried (4-0) with the following vote:

AYES: ANDERSON, M.NGUYEN, Q.NGUYEN, SEID
NOES: NONE
ABSENT: PHAM
ABSTAIN: NONE

Motion: It was moved by Commissioner Anderson, and seconded by Vice Chair M. Nguyen, to add condition number 35 to the Resolution, to require the applicant to send a written notice to each of the property owners within 300 feet of the subject property informing them how they may best contact the applicant to register any

complaints about the operation of the business. The motion to add condition 35 carried (4-0) with the following vote:

AYES: ANDERSON, M.NGUYEN, Q.NGUYEN, SEID
NOES: NONE
ABSENT: PHAM
ABSTAIN: NONE

Original Motion with Amendments Included.

Motion: It was moved by Chair Seid, and seconded by Commissioner Q. Nguyen, to approve 2020-1163, which involves a Conditional Use Permit to amend the existing Conditional Use Permit (Case No. 2014-87) to allow for onsite sale and consumption of beer, wine, and distilled spirits, whereas the current Conditional Use permit allows for the onsite sale and consumption of beer and wine in conjunction with an existing bar on property located at 7821-7823 Westminster Boulevard (Assessor's Parcel Number 096-321-20), with an amendment to condition number 33 to provide security daily from 8:00 p.m. to 2:00 a.m. and an addition of number 35 to the conditions of approval, to notify nearby property owners of best way to contact the business to register a complaint.

AYES: ANDERSON, M.NGUYEN, Q.NGUYEN, SEID
NOES: NONE
ABSENT: PHAM
ABSTAIN: NONE

9. REGULAR BUSINESS - None

10. REPORTS - None

11. MATTERS FROM STAFF

Planning Manager Ratkay offered that there were no items on schedule for the September 1st meeting, so it would likely be cancelled. He thanked the Deputy City Attorney and staff for their work to make the meeting a success. He then thanked the Planning Commission for their work and effort to make the community a better place.

12. MATTERS FROM THE PLANNING COMMISSION – INCLUDING AB1234 REPORTS WHEN REQUIRED

Commissioner Anderson offered that he had an occasion to contact the City's Community Preservation Unit (CPU) overseen by Alexa Smittle and he had a very positive experience. He encouraged the public to call the CPU if someone sees a maintenance problem at a business or at a residence that detracts from the appearance of the community. The phone number could be found on the City's website, or people can also use the City's app for reporting issues. He further stated that he was very pleased with the response he received after reporting some issues.

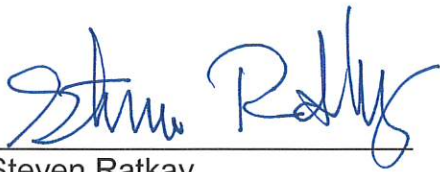
Chair Seid added to Commissioner Anderson's comment and stated that the City's app had a feature that allowed a picture to be taken of the issue you've witnessed, so you can actually send a picture in when reporting an issue on the app.

13. ADJOURNMENT

The meeting was adjourned at 8:45 p.m. to a regular meeting on Wednesday, September 1, 2021 at 6:30 p.m.



Don Anderson
Planning Commission Chair



Steven Ratkay
Planning Commission Secretary

Prepared by:



Shelley Stevens
Senior Administrative Assistant