

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

October 18, 2010

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### CALL TO ORDER

Chairman Vose called the meeting to order at 6:00 p.m.

### INVOCATION

Chairman Vose did the invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Harvey led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

Present: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), Traffic Engineer (Michelle Cantrell), Recording Secretary (Joy Reyes), Recording Secretary (Marion Coleman), and an audience of approximately 20 people.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Malhi and seconded by Commissioner Wheeler to approve the Minutes from the Regular Meeting of September 20, 2010. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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**CONTINUED PUBLIC HEARINGS**

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**2. Tentative Parcel Map No. 66115**

Chairman Vose opened the public hearing at 6:06 p.m. to hear a request by Carlo Bondanelli, for a subdivision for 45 industrial lots in the LI (Light Industrial) Zone, 49.15± gross acres located on the southeast corner of future Avenue L-4, and future 5th Street West.

Silvia Donovan read the staff report and stated that an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, applicant was present.

Mario Grossi, owner of grocery store across the street from project, had concerns with regards to the public access to Sierra Highway, and if this was the first phase. Silvia Donovan affirmed that this would be Phase 1, and public access would be provided.

Applicant's representative, Barry Munz of AV Engineering, stated that all environmental studies had been submitted, and the concerns expressed by Fish and Game and the Commission at prior meetings have been adequately addressed. He concluded that they have reviewed the mitigation measures, and are in agreement with the conditions of approval.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:10 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 10-45 approving Tentative Parcel Map No. 66115. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

**3. Tentative Parcel Map No. 66794**

Chairman Vose opened the public hearing at 6:11 p.m. to hear a request by Rubin and Mirla Bugarin, for a subdivision for four (4) single family lots in the SRR Zone, 2.5± gross acres located approximately 260 feet north of Avenue M-8 west of 38<sup>th</sup> Street West.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:12 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Terracciano to adopt Resolution No. 10-42 approving Tentative Parcel Map No. 66794. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

## **NEW PUBLIC HEARINGS**

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### **4. Conditional Use Permit No. 05-19**

Chairman Vose opened the public hearing at 6:13 p.m. to hear a third request for extension by Clock Plaza Storage, LP, for construction of an 118,104 square-foot self-storage facility; consisting of four buildings of varying sizes and an apartment for an on-site manager in the CPD Zone, 3.38± acres located on the west side of 20<sup>th</sup> Street West approximately 370 feet north of Avenue K.

Silvia Donovan read the staff report and concluded that the conditions had been modified to reflect the addition of Resolution No. 10-23, standard conditions for Conditional Use Permit. She stated that an uncontested hearing letter was received from the applicant stating agreement to the amended conditions of approval as stated in the staff report.

Applicant representative, Russell Khouri, agreed to the conditions and modifications as set forth. He stated that storage facilities in the Lancaster area are suffering financially with 25% vacancy.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:15 p.m.

It was moved by Vice Chairman Jacobs and seconded by Commissioner Wheeler to grant a one-year extension to October 16, 2011, based on the findings contained in the staff report and subject to the attached revised Conditions List. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

### **5. Conditional Use Permit No. 10-04**

Chairman Vose opened the public hearing at 6:22 p.m. to hear a request by Crosspoint Development, LLC, for off-site sale and consumption of alcohol (Type 21, sale of beer and wine only

at an existing mini-market), and a request for a waiver under Section 17.42.040.C of the Lancaster Municipal Code to allow the sale of beer and wine within 300 feet of residentially designated property, located at 1006 West Avenue H.

Brian Ludicke read the staff report and noted that the matter was heard before the Commission, and the waiver was denied on April 19, 2010. The City Council heard the appeal on June 22, 2010, and referred the request back to staff and applicant to perform additional research. Staff and applicant attempted to conduct a neighborhood meeting to obtain the public's opinion, and there was no attendance. A survey was also made available online by City Staff and distributed within the neighborhood of the site, and there were nineteen (19) responses with 70% in opposition. During the survey, the applicant contacted the City to amend the request dropping the proposed sale of distilled spirits at the location, to only a beer and wine request. The staff report outlined a number of issues for the Commission to consider: accessibility, Sheriff's Department input incorporated in the revised conditions, and what the City has done on previous waiver requests. He concluded by advising the Commission to consider the ordinance in its decision on whether or not to grant the applicant a waiver, and if so, what kind of restrictions should be placed on the use, if approved.

Commissioner Wheeler inquired if the ordinance applied to bars and restaurants, or only for types of entities that sell alcohol for off-site consumption.

Brian Ludicke responded in the affirmative, and stated that the ordinance applies different standards depending on the type of seller. A bar would also be considered a primary seller and subject to the same type of separation distance requirements that a mini-market would. However, the ordinance does not require the same separation distance for a restaurant, even if it sells alcohol, and does not require a separation distance for incidental sellers; for example, grocery stores or drug stores. He stated there are various differentiations in the ordinance for types of uses.

Brian Ludicke stated that the over 100 door hangers were distributed with one response, and there were 18 responses to the online survey with 5 individuals identifying themselves to be residents of the project area. He stated that about 70% of the responses were in opposition to the sale of alcohol.

Chairman Vose stated for the record that a letter had been received on October 1, 2010, from the applicant requesting a waiver, along with a series of communication dated from March 2010.

Applicant Mike Cohen stated he was a partner in the development of Crosspoint LLC, along with Jeff Little. The applicants distributed to the Commission and staff a copy of the door hanger and a separate survey that the applicants conducted at the store. Mr. Cohen read questions from the survey, "Would you be in favor of beer and wine sales in this store?" A total of 1,489 respondents with 1,367 in favor (91.8%), and 122 opposed (8.2%). He pointed out the geography of the site location as displayed on the map, and stated there was only one residential area (south and west of the site) that fall within the 300-foot radius.

Chairman Vose noted that the applicant's comments in support of his project were brief given that this project has previously gone before the Commission. With findings the Commission has to reconsider, the Chairman was expecting a stronger argument from the applicant, addressing the matter concerning the proposed use that, per the Ordinance, is not permitted.

Mr. Cohen stated that during the City Council meeting, there was a suggestion to go from general alcohol spirit sale to limited beer and wine, which he agreed to do. He stated that City Ordinance Section 17.42.040 establishes a 300-foot separation waiver, which also offers provisions to allow for a waiver if the following can be shown: (1) service will serve the community need; and (2) the service is not expected to create an adverse effect on adjacent property uses or residence. He stated that precedence had been set by a waiver that was approved by the City Council in November 2008; therefore, his project would not be the first. There's no data to suggest that this project would create an adverse effect to the area. Based on the 1,489 survey responses received, this project would have support of the neighborhood, or at least most of their customers who he believed to be residents of the area. Customers have been inquiring about sale of alcohol, and the interest shown encouraged him to apply for alcohol license. He noted there was a report/comment from the Sheriff's Department that with restrictions, they do not see a concern for a type 21 alcohol license on this location. He concluded that he is open to any recommendations or suggestions that the Commission might have regarding restrictions, and he felt that the concerns with the distance issue have been addressed.

Commissioner Hall asked the applicant if any of the customers who were in favor of the sale of alcohol state the reason for their support. The applicant responded that when the store opened, many customers were requesting the sale of alcohol.

Commissioner Hall asked what type of training the employees would receive if a waiver was obtained. Mike Cohen replied that the store manager has 13 to 14 years of experience from Arco in tobacco sales and age-identification, and the employees are trained to perform due diligence to follow the law.

Commissioner Harvey asked how many of the "yes" voters in the survey were residents of the area, and how much credibility should be given to this survey. Mike Cohen stated that some of the voters did not provide addresses, and there is credibility since the survey was distributed in the store, and given percentage of responses received with many of the customers living in the surrounding neighborhood.

Vice Chairman Jacobs referenced to the applicant's earlier statement of the City granting a waiver and setting precedence, and asked the applicant how that precedence applied to his project. Mike Cohen responded that he was not aware of precedence of the waiver until he read the staff report from April 2010, referencing to the approval of a waiver for distance requirement of a conditional use permit for alcohol request by the VFW (Veterans of Foreign War). Chairman Vose stated that the waiver was for a private establishment, not a mini-market. Applicant responded that he was not a resident of Lancaster and was wrong to assume that the VFW was a mini-market.

Vice Chairman Jacobs indicated that there was no data to show that a waiver would cause an adverse affect on the community. He asked whether applicant believed that there would be adverse effect, and how we would propose to address those issues. Mike Cohen stated there were 16 security cameras installed, and the employees are very vigilant about security at the location. There had not been any safety issues as a result of sale of alcohol since the store opened.

Commissioner Wheeler asked if the company employed private security for the area. Mike Cohen responded no, as it is costly and they do not feel it is necessary. The employees are well-trained to deal with these issues. He concluded that he felt the requirements have been met to serve the people in the community, and believe they are doing the right thing.

Chairman Vose advised the applicant that the Commission is bound by the City ordinance to consider the waiver application on two points: (1) establishing and allowing a waiver would serve a community need, and (2) the distance waiver is not expected to result in any adverse affect on the adjacent property or uses of residences. The Commission must establish conditions for the project, and if the applicant does not agree with the conditions, the applicant may appeal the Commission decision before the City Council.

As an example of a condition, he asked the applicant if no single beverage containers could be sold at any time at the store, to which the applicant stated his agreement. Chairman Vose further asked if the applicant would also agree not sell fortified wine (a high alcohol content beverage) and malt liquor. The applicant responded that he will strictly limit the sale to beer and wine, and not the stated examples.

Applicant representative, Jeff Little, indicated that malt liquors and wine fizzy drinks would not be sold, and that the applicant is fully aware it is the beer and wine (Type 21) license that is being requested. He further added that Captain Anderson from Sheriff's Department expressed his concern with loitering and the sale of single containers, and stated if those were mitigated, he believes the requested use would not be a problem. Jeff Little referred to the renderings distributed earlier showing fencing around the project area, and commented that if there are problems on Avenue I, it is not caused by this location.

Commission Wheeler asked how the applicant proposes to address loitering. Jeff Little responded that keeping the area well-lit, uniformed employees, and security cameras installed would give the impression of safety and security.

Chairman Vose noted there were a few named malt liquor and fortified wine beverages (malt liquor and fortified beers Jose's Jungle Juice, Max Sly, Magnum Steel Reserve, Hurricane High Gravity, Cobra) that he was concerned with, including those alcoholic beverages with higher alcohol content mostly sold in the more disadvantaged areas of the community where there is an abundance of liquor stores.

Hall asked for clarification on the uniformed staff as mentioned by Jeff Little, since applicant Mike Cohen stated that there would not be any security. Jeff Little indicated that all staff will be in full uniform. If security is warranted, the applicant is willing to take it into consideration at that time. Commissioner Hall reiterated whether security is one condition the applicant would consider. Jeff Little responded that they do not believe a condition for security is warranted at this time. From previous experience with units he has owned located in the outlying areas (not within city limits), security was necessary due to panhandling, and not necessarily because of the sale of beer and wine. With this project, they have full intention to police the facility themselves, and do not feel security is warranted at this time.

Commissioner Wheeler asked if the applicant has done a cost analysis for security. Jeff Little responded that the analysis conducted two to three years ago to provide security 4 to 5 hours a night, six days a week, it was determined that it would cost around \$4,500 a month for one guard, depending on whether the guard is armed; although he does not like the idea of an armed guard. Commissioner Wheeler asked if there is analysis for potential increase in profit by virtue of having the waiver granted. Mike Cohen stated he has no data to show such analysis.

Commissioner Malhi asked how many employees are staffed at any given time. Mike Cohen responded that due to financial restrictions, there is one employee; however, there is an overlap in staffing for one hour during shift changes. He added that from 12 midnight through 6 a.m., the doors to the facility are locked, and sale is only available through a secured window.

Vice Chairman Jacobs stated that if a waiver is granted, would applicant be opposed to a condition that if the Director believes safety is an issue, applicant is to provide security. Mike Cohen cited that it would not be economically feasible for him. Chairman Vose cited that security is important and is one of the primary concerns of the City and its residents. It is standard practice for the Commission to place conditions on sensitive operations, such as mini-marts, restaurants, and night clubs, to address potential security issues.

There were speakers who wished to speak, as follows:

Speaker Ray Chavira read a portion of the Board of Equalization annual report, and gave a brief history of the mini-markets and alcohol ordinance established by the City. He commented regarding City Council asking staff to do a study, which should normally be done while the project is being presented before the Commission. He received a report from the State ABC that shows the area on other side of the street from the project to be 266% above county average in terms of crime. However the crime report where project is located, which as mentioned is directly across the street, shows as low crime area. He added that the area has already satisfied the allowable number of type 21 of alcohol licenses issued by the ABC.

Speaker Jonathon Salazar stated he was representing Congressman Buck McKeon, Representative Steve Knight, and the Lancaster Youth Commission as its Chairman. As he represents the seven school districts of the Antelope Valley, issue of safety should be a priority. The City already has too many alcohol outlets, and some that sell alcohol to minors. A few months ago, a sting operation was conducted by the Sheriff's Department and the City of Lancaster, which showed 10% of alcohol outlets sell to minors. The survey result rose to 25% after a few minors returned a few weeks later, and were again sold alcohol. Jonathon Salazar asked that the Commission oppose this project to save the lives of those they represent.

Speaker Ken Jones is a 20-year resident of the eastside of Lancaster, and is an employee of the Lancaster Baptist Church. He is not officially speaking on behalf of the church, however, he is representing a number of church members, some of whom live in the project area. Some are senior citizens who do not have access to the internet. One resident expressed concerns in attending the neighborhood meeting, because she did not want it revealed that she is a widow living by herself. Another resident, who is an Iraqi veteran recovering from cancer, is opposed to the project but was not able to attend. Two years ago, when the applicant came to present the proposed mini-market, residents including Mr. Jones raised the issue on the possibility of the applicant returning for an alcohol license. The applicant acknowledged at that time the he was aware he would be in violation of the Ordinance if he were to sell alcohol, and stated that it would not be a problem, as he had no intention to sell alcohol. Today, with lack of security and limited sale of alcohol, Mr. Jones believes this does not justify the applicant's request for an exemption to the Ordinance and to sell alcohol.

Speaker Linde Williams, a resident of the area, stated there are enough stores in the community to buy alcohol. There is problem in the area because of availability of alcohol in the surrounding community, especially during the holidays. Her concerns include loitering, transients, panhandlers, and drunken drivers. Although it is difficult to access the site from the residential area,

she is concerned with the access from Avenue H, and its proximity to the freeway in terms of potential criminals using the freeway as a quick getaway.

Applicant came forward for rebuttal stating that at the initial Planning Commission hearing two years ago, he does not recall making a statement of promise not to sell alcohol in the future. On the issue of security, he cited that he never said security would not be provided. They have employees who are trained to keep the facility secured, and the owners will not allow it to deteriorate.

Jeff Little indicated that he and Mike Cohen have discussed the condition for a six-month review by the Director for additional staffing to be beneficial, however, added security would be a hardship.

Chairman Vose closed the public hearing closed at 7:22 p.m., and asked staff to address some issues.

Brian Ludicke clarified and reiterated that as part of the initial application for the overall development of the site, the applicant did state that it was not his intent to request the sale of alcohol. However, at the hearing, the questions was asked whether it precludes the applicant from requesting to sell alcohol in the future, to which the response was “no”. The applicant has the right to request.

Chairman Vose stated the in the current staff report, the facility selling alcohol on Avenue L-8 and 60<sup>th</sup> Street West was mentioned, and he indicated that he was the broker for the development of that project, and represented the applicant at its Planning Commission hearing. This was prior to the establishment of the alcohol Ordinance, this project was precursor to establishing guidelines for alcoholic beverage sale. Many of the residents were opposed to the project. The facility is now operating successfully.

It was moved by Commissioner Hall and seconded by Commissioner Malhi to grant a waiver on Conditional Use Permit No. 10-04 with the first finding under the Municipal Code 17.42.040C.1., that the proposed use would meet a specific community need by increasing public convenience through keeping vehicles out of the City core and on the peripheral loop. Second finding under Municipal Code 17.42.040.C.2., that restrictions can be placed on the operation of the mini-market, including hours of sale and product containers that will adequately ensure that the waiver will not adversely affect nearby residents and facilities devoted to use by children, families and the general public.

Commissioner Terracciano stated that should this request be approved, he would like to have a six-month review be conducted, to include reports from the Sheriff’s Department.

Commissioner Wheeler asked for verification as to the Ordinance stating that within 300 feet on residential, the requested use would not allowed, and if an exception is made by the Commission, there must be a finding of community need. He added that the motion before the Commission, therefore, is to affirmatively grant the waiver, to which Chairman Vose responded as yes, and expounded that if waiver is granted, the Commission’s next step would be to adopt a resolution to consider restrictions to be placed on this project. If motion fails, the applicant may appeal the Planning Commission decision before the City Council.

Commissioner Terracciano asked that should the waiver be granted, whether this would set precedence. Chairman Vose opined that he does not believe the Commission would be setting



precedence when conditions are placed on the project. Each project is unique and need to be heard and considered individually. Whatever the outcome of the Commission decision, he believes the project would ultimately be appealed.

Vice Chairman Jacob cited that there is enough public need in his opinion, and should a waiver be granted, public safety should be considered through conditions.

Motion to grant a waiver on Conditional Use Permit No. 10-04 carried with the following vote (5-2-0-0):

AYES: Commissioners Hall, Malhi, Terracciano, Vice Chairman Jacobs, and Chairman Vose.

NOES: Commissioners Harvey and Wheeler.

ABSTAIN: None.

ABSENT: None.

Discussion on the Findings under the Alcohol Ordinance and added conditions ensued.

In anticipation of a vote in favor of or opposition to the waiver, Chairman Vose distributed a draft resolution of the findings prepared by the Director for Commission's consideration

Brian Ludicke stated that the motion for the findings waiver that was presented by Commissioner Hall and seconded by Commissioner Malhi would be inserted to the first page of the Resolution under item nos. 1 and 2. Item nos. 4 (a, b, and c), 9 and 10 pertain to the conditions the Commission would place on the use of the project.

Brian Ludicke provided a list of potential conditions to implement. Condition No. 47, draws the requirements that are contained in the City's Ordinance. Condition No. 43, acceptable sale hours (7am-12am seven days a week), no sale of separated packaged of alcoholic beverages, and discussion of restriction of different types of alcoholic beverages. Condition No. 48 refers to onsite security; what the City has required for retail type of uses is onsite security that is to be provided if the Director deems it necessary, with a recommendation from the Sheriff's Department that adding onsite security would be the best approach to solve identified problems.

Brian Ludicke clarified that the allowable hours for sale of alcohol is from 7 a.m. to 12 midnight. The doors to the facility are locked between 12 midnight and 7 a.m., and sale of alcohol is not permitted through the facility window.

Brian Ludicke stated that square-footage calculation includes the area inside the cooler containing alcoholic beverages.

Chairman Vose read the proposed conditions thoroughly, and asked the Director what conditions, if any, have not been included. Brian Ludicke asked that the Commission get further clarification from the applicant who stated that he would be willing not to sell any type or quantity/size of malted liquor beverage.

Commissioner Hall noted that applicant would provide 16 cameras, and suggested that most security cameras have the ability to record and upload to a secured website, having the video feed accessible to the Sheriff's Department. He would ultimately like to see this feature extended to other businesses in the City.

Brian Ludicke provided clarification that the Director has the ability to recommend revocation of a liquor license, and the Commission ultimately has the authority over the decision. For existing/non-conforming facilities that are deemed approved before the Ordinance was established, there is a strict due process to follow should there be identified issues.

Commissioner Jacobs indicated that he does not believe the delivery of gasoline would pose disruption to the adjacent neighborhood due to noise during the proposed hours of delivery. The restrictions on delivery hours under Condition No. 4 were amended to exclude gasoline deliveries.

Brian Ludicke stated that the Ordinance and the added conditions bring the restrictions for this project to the same level, and in some areas exceed, as those placed on other users.

It was moved by Commissioner Hall and seconded by Commissioner Malhi to adopt Resolution No. 10-43 approving Conditional Use Permit No. 10-04, including the added conditions and a waiver of normal distance requirements for an off-site alcohol sales establishment, in the Commercial Planned Development (CPD) Zone.

Deputy City Attorney Joe Adams responded to Commissioner Wheeler's question that although the waiver is not being considered in the current motion, it is, however, being reiterated within the findings of the motion. Therefore, a 'yes' vote on the current motion would also mean a 'yes' vote on the previous motion granting the waiver.

Motion carried with the following vote (5-2-0-0):

AYES: Commissioners Hall, Malhi, Terracciano, Vice Chairman Jacobs, and Chairman Vose.  
NOES: Commissioners Harvey and Wheeler.  
ABSTAIN: None.  
ABSENT: None.

## **RECESS**

Chairman Vose recessed the meeting at 8:06 p.m., and reconvened at 8:17 p.m.

## **6. Conditional Use Permit No. 10-21**

Chairman Vose opened the public hearing at 8:19 p.m. to hear a request by Korea Kitchen, Inc., for entertainment uses and to change an existing Alcoholic Beverage Control Type 41 license (on-sale beer and wine for a bona fide restaurant) to an ABC Type 47 license (on-sale general for a bona fide restaurant) within Korea Kitchen, an existing restaurant located in the CPD (Commercial Planned Development) Zone, located at 44810 Valley Central Way.

Silvia Donovan presented the staff report. An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Ms. Donovan clarified that only the opening hours for the restaurant will change from 11:30 a.m. to 10:00 a.m.. The hours for the paid entertainment, which is incidental to the restaurant, will remain the same.

Chairman Vose noted that this restaurant has been operating successfully for over five years without any law enforcement issues. Silvia Donovan concurred stating the Sheriff's department is also supporting this project, with some added conditions that were finalized with and agreed to by the applicant. The Conditions of Approval, as well as the records of training as required by the Department of Alcoholic Beverage Control (ABC), have to be available onsite for law enforcements. Chairman Vose opined that this proposed use provides an odd marketing combination/layout. He indicated a bona fide restaurant is conditioned to have 51% of its total revenue generated from food sales, excluding alcoholic beverage sales.

Applicant and one of the owners of Korea Kitchen, Mulu Alemayehu, stated that their family-owned restaurant have been struggling to stay in business for the last five years. They have considered shutting down as it continues to deplete their asset; however, the owners felt that they have very strong support from their employees to remain open. They have been dedicated to the restaurant's integrity and quality. The restaurant's patrons have often called it a hidden treasure; as such, the owners changed its name to "Hidden Treasure" while still operating under Korea Kitchen, Inc. In its commitment to the community, it is their goal is to create an entertainment environment for 30 and over crowd, providing mellow music such as jazz and music from the 70's, 80's and 90's. It is an establishment for older professional crowd to come in after work to have fun. They intend to continue to enforce security. All employees are instructed to ID those who appear 35 and younger. When they are able to afford to operate with a full alcohol license, they intend to train their employees at a much higher standard. Adding the alcohol sales to the business will help them survive and continue to operate the restaurants. She realizes that the Commission is concerned with all the events being held at the restaurant, but noted that these event are limited to Fridays and Saturdays only, with the restaurant and kitchen remaining open until midnight.

Chairman Vose asked to clarify whether the kitchens are required to remain open during normal business hours for all a bona fide restaurant, to which Brian Ludicke affirmed. Mr. Ludicke stated, however, exceptions are made when there is a defined set of days for entertainment use. In this case, under the current proposal and added conditions, staff is satisfied with the proposed use. Chairman Vose indicated the staff report stated that after 10 p.m., the restaurant provides a modified menu to include finger foods and appetizers, with the exception of grilled items.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 8:38 p.m.

It was moved by Vice Chairman Jacobs and seconded by Commissioner Terracciano to adopt Resolution No. 10-44 approving Conditional Use Permit No. 10-21 with modified Condition No. 2, changing the opening hours of operation from 11:30 a.m. to 10:00 a.m. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

## **7. Tentative Parcel Map No. 71355**

Chairman Vose opened the public hearing at 8:40 p.m. to hear a request by Lancaster Redevelopment Agency, for a subdivision for two lots: Lot No.1 at 15± gross acres and Lot No. 2 at 6± gross acres in the OP Zone, 21.0± gross acres located on the northeast corner of 3<sup>rd</sup> Street East and Avenue I.

Silvia Donovan read the staff report, and added that Condition No. 6, which was previously deleted, was to be reinstated to the Conditions List.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 8:43 p.m.

It was moved by Commissioner Wheeler and seconded by Commissioner Hall to adopt Resolution No. 10-46 approving Tentative Parcel Map No. 71355. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

## **8. Amendment of Title 17 Lancaster Municipal Code (Zoning Ordinance) Non-Commercial Wind Energy Systems (NC-WES)**

Chairman Vose opened the public hearing at 8:44 p.m. to hear a request by the City of Lancaster, to amend Title 17 (Zoning Ordinance) of the Municipal Code modifying the Wind Energy requirements to regulate Non-Commercial Wind Energy Systems (NC-WES) in the Rural Residential Zones (RR-1 and RR-2.5 only), located city-wide.

Brian Ludicke read the staff report, and expounded that this would allow the installation of small energy wind systems in small rural-sized properties, without requiring the applicant to go through the City's normal conditional use permit process. He noted that there was a correction to the draft Ordinance (Exhibit A) Section 17.08.337.C.6, amending the overall diameter of the blade area from 12 feet to 24 feet.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 8:59 p.m.

Commissioner Vose mentioned that the Commission had previously considered the Vertical Axis Wind Turbance (VAWTS), which are smaller and shorter systems typically used in urban areas.

Speaker Ely Sorkin stated that there is an abundant wind energy source in the Antelope Valley. With the new technology available to the public, it is possible for a fairly small system to generate from 500-700 kilowatt hours per month, which is a substantial saving for a residential user. Two issues raised were noise and aesthetic. The new systems are currently at 60 decibels, and meet the proposed limit of 65 decibels. One advantage wind energy source has over solar in terms of efficiency, wind energy system is operational 24/7. Mr. Sorkin offered to show a video of a residential wind generator system, to which the Commission agreed to.

It was moved by Commissioner Hall and seconded by Vice Chairman Jacobs to adopt Resolution No. 10-47 recommending to the City Council approval of an amendment to the Zoning Ordinance, Title 17 of the Lancaster Municipal Code, amending the diameter from 12 feet to 24 feet in Section 17.08.337.C.6. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

## **DIRECTOR'S ANNOUNCEMENTS**

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None.

## **COMMISSION AGENDA**

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Chairman Vose proudly announced the “Streets of Lancaster” champions representing the Planning Commissions: Commissioners Randy Hall, Cassandra Harvey, Raj Malhi, and Fabian Terracciano who was the recipient of the gold trophy.

Commissioner Malhi announced that he’s a proud father of the newest addition to the family; his daughter was born on October 4<sup>th</sup>.

Chairman Vose stated the Planning Commission meetings of January 17 and February 21, 2011, have been rescheduled and confirmed by staff through the City Clerk’s Office, to January 24 and February 28, 2011, due to the Martin Luther King, Jr., Day and President’s Day holidays, respectively.

**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS**

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Speaker Linde Williams stated that her concerns that are being brought up tonight are in the name of making things better for her neighborhood and its residents. Ms. Williams was informed of potentially a Dollar Tree being located at the old Vallarta market. In its place, what would be more beneficial to the community is a grocery store, especially for the wheelchair-bound, senior citizens, and those who lack transportation. As decisions are made for them are done without them, Ms. Williams requested that in making decisions, for the Commission to be mindful of its residents.

**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 9:07 p.m., to Monday, November 8, 2010, at 5:30 p.m., in the Planning Large Conference Room, City Hall.

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster