

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

November 21, 2011

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### CALL TO ORDER

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

### INVOCATION

Pastor Reggie Williams of Lancaster Baptist Church 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 Elihu, Hall, Harvey, Terracciano, and Chairman Vose.

Absent: Commissioner Malhi and Vice Chairman Jacobs.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Associate Planner (Chuen Ng), Public Works Director (Robert Neal), Recording Secretary (Marion Coleman), and an audience of approximately 62 people.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Harvey and seconded by Commissioner Terracciano to approve the Minutes from the Regular Meeting of October 17, 2011. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Elihu, Hall, Harvey, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi and Vice Chairman Jacobs.

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**CONTINUED PUBLIC HEARINGS**

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**2. Conditional Use Permit No. 11-10**

Chairman Vose opened the public hearing at 6:05 p.m. to hear a request by Tully Huffaker, to allow a concert venue with on-sale consumption of alcoholic beverages (Alcoholic Beverage Control Type 42, on-sale beer and wine - public premises), and a request for waiver under Section 17.42.040.C of the Lancaster Municipal Code to allow the sale of beer and wine within 300 feet of a religious assembly area, in the LI (Light Industrial) Zone, located at 43145 Business Center Parkway, #103.

Brian Ludicke presented the staff report, and concluded there would be a review in six months of how the venue operations are being conducted.

Commissioner Hall commented that he visited the proposed venue, and inquired if the six-month review was to be conducted by staff, or would there be a public meeting involved. Brian Ludicke recommended that the review be placed on the Planning Commission Agenda; therefore, the public could give testimony concerning the venue if desired. Commissioner Hall inquired if the applicant would be charged a fee for the review, and if a negative outcome, would the Conditions List have to be modified. Brian Ludicke stated the applicant would not be charged an additional fee for the review, and if there was reconsideration for approval, the Conditional Use Permit would have to be reset in a formal public hearing.

Applicant Tully Huffaker stated that on October 31, 2011, he met with Pastor Marsh and other officials of New Life Community Church (NLCC), and discussed concerns, such as parking, outdoor security, and hours of operations. An agreement was made to section off the parking if there was an event occurring at the same time during the week. Applicant offered the use of his security to make sure there is no confusion in either parking lot. He concluded that the meeting was productive, and felt that he and NLCC had come to a good compromise.

Brian Torsney, representative of applicant, stated that during the October 17, 2011, hearing, they were informed about the importance of communications. He explained that in today's world there are various avenues of instant information; for example, the internet and cell phones, but nothing can take the place of face-to-face meetings, which was accomplished with NLCC. On the two separate occasions, with the City's supervision, it was established that the applicant empathized with NLCC and have the same concerns; safety, parking, and youth in the community. The applicant has security guards (according to the attendance to any event), four (4) security cameras are ready to be installed, and conscious-focused supervision in proposed lounge area for alcohol consumption. Applicant has arranged to meet with NLCC on a monthly basis to discuss and coordinate events to avoid conflict of time schedules. The Industry Theater, in conjunction with Box Car Productions (in-house booking and promoting coordinator), has organized a "Box Car Kids", which is a youth organization that conducts fund raising opportunities for local youth in the community. Industry Theater would like to develop an internship with the students in the Antelope Valley by working with the education system in providing an opportunity to help students assist the venue in operations and management in which students can learn network skills, communication skills in the music industry, for example, productions, and stage lighting. Brian Torsney stated that Pastor Marsh was diplomatic, professional, and understanding; has family in the music industry, and, therefore, comprehends the importance of a venue for the hub of the community to build local artists, and a

name for the Antelope Valley. Open meetings with the public were conducted to answer any and all inquiries concerning the venue.

Arnold Rodio, owner of property, stated the meetings with NLCC were productive and commended “hats off to the church”. He concluded that the lease with the applicant was modified as to the functions allowed in the venue, for example, “no rave parties”.

Chairman Vose informed that the Commission had received the modification page of the lease, and two other forms of correspondence from Sarah Giehler, and Lorraine C. Gollub were received in favor of the venue.

#### Speakers in favor:

Codi Yost, drummer for the band Order 66, stated he has been in the music industry in the Antelope Valley area for the past five years, and has experienced love, compassion, and friendship that would last him for the remainder of his life, and emphasized he has done so completely sober. The venue has created opportunities for bands and musicians to fund their own hobbies in these tough economic times. He expressed that alcohol shaves off the nerves to enjoy the moment; in a controlled environment such as the proposed venue, the better time the audience has, the better chance the band has to profit. He stated that Order 66 has raised funds for several charities, and the Industry Theater will create better causes for other charitable events to go forth in the community. He concluded that the City of Lancaster mission statement is to have vision, innovation, and creativity; if the proposed venue is not approved, the Commission will not only crush Tully Huffaker’s vision, but the community’s creativity as a whole.

Megan Lemos, founder of Box Car Kids, stated the charitable organization supports underprivileged children of the Antelope Valley, and the proposed venue would be an asset to the youth. She stated a beer and wine license is not an invitation for abuse and crime; it is revenue. Revenue means continued support of an organization of grateful children for a warm coat or toy for Christmas. She concluded that allowing the Industry Theater to sell alcohol is not only a boom for the music industry in the Antelope Valley, but for the disadvantaged youth.

Marcus Roman opined that the venue was one of the greatest ideas for the music scene, and had never encountered a problem with alcohol in venues similar to proposed venue. He stated with other venues that have shut down, the performances have been limited to house shows which have no control of drugs or alcohol. Therefore, the Industry Theater should be welcomed with open arms for the youth in the community. He concluded that with the amount of security that would be provided, alcohol should not propose a threat for the proposed theater and surrounding community.

Kristin Bodt stated that she grew up in Lancaster, and graduated from Antelope Valley College with an Associate’s Degree, and has planned to apply at California Institute of the Arts for the Fall 2012 Character Animation Program. She stated that as an artist, she feels a kinship with the musicians who are also artists by different medium; every artist needs a safe and supportive environment to gather, relax, and share; the more venues, the better. She informed that visual artists have the AV Art Gallery, Cedar Art Gallery, and the Lake LA School Gallery; musicians have the Cedar Center but fewer opportunities to exhibit their talent and energy. She stated that when she was informed of the concerns of NLCC with a venue that would involve the sale of alcohol, she came in support with the applicant trusting that the venue would provide a safe and lawful environment for youth, musicians and others to share their craft. She concluded

that the applicant deserves to open a venue that would allow musicians and others with talents to help businesses in the Lancaster area to thrive.

Jed Bookout stated he is in charge of booking for Box Car Productions at the Industry Theater, and has been a musician for the past 10 years. He has experienced venues with no control, unlike the proposed set-up for the theater, which will have a secured surrounding, parking lot, and entry. He concluded that a venue that provides a safe environment of entertainment and fun is worth having in the community.

Timothy Cottage, member of KFIAM 640 radio station (largest conservative talk radio station in Southern California), stated he had been working with the applicant for the past month after viewing the PC meeting of October 17, 2011, and came aboard to bring about a different view of the proposed venue. He sponsors the Box Car Kids, and performs many charitable events; informed that the organization recently raised over \$150,000 for children living in motels in Southern California, and desires to bring the events locally. He has played the guitar at various clubs in the Lancaster area, and revealed that the experience was not always pleasant but gave some youth a place to go after school. He expressed that not all youth are good in sports; some are great in music; the venue is an open door for all youth.

Graham Fletcher, lead vocal singer for the hard rock band Order 66, stated the venue is good for local and out-of-town bands as well. He stated that many venues do not place bands in a safe environment, and recalled the October PC meeting when one speaker named clubs in the area that were for ages 21 and over, had been shut down, and did not have security. He shared an experience that occurred at a club located in Lake Hughes, one of the members of the band tried to stop a fight and was injured; the club did not have the security set-up as the Industry Theater. He has observed the area in the venue for sale of alcohol, and opined that the area is very small and secure, and would be a huge problem to anyone who tries to go against the policy of removing alcohol. He concluded he would rather have youth attend a safe environment where they can have a good time, than an environment that is unsafe or not secure.

Lorraine Gollub, grandparent of applicant, complimented the youth that had spoken and stated that the applicant has core values. She informed that the applicant's parents graduated from a school of the arts, and other relatives teaching in Kuwait. She concluded that the information was shared so the Commission would have knowledge of the applicant's background. She reiterated that the applicant comes from a home of education and the arts, and requested that the youth not be disappointed by the decision of the proposed project.

Joan Gollub, mother of the applicant, stated that people have a need to congregate, socialize, and enjoy common activities; art, music, and dance are expressions that are essential to the growth of the human spirit. The venue will provide a secure and supervised environment to ensure these activities; she emphasized that no one was more concerned about security than the mother of Tully Huffaker. She expressed being convinced that the proposed venue is a positive, genuine, and energetic place for the youth. Because youth want to congregate, she opined that without a place to go, the youth will do what they always have been doing, and that's going out into the desert and drinking, and doing drugs. She revealed that she had experience as a bartender, and explained that a bartender that is trained and responsible knows not to over-serve a customer, because there are legal and moral consequences; for this project she did not think this would be a problem. She concluded that the venue is a much needed potential for the Antelope Valley.

Yvonne Barton, an educator and active community member, stated she has known the applicant since he was two months old, and he has always been adventurous and a trend setter; her children grew up together with Tully Huffaker and are also musicians. She stated as a former bus driver for the bands, she believes that their music is not just for youth but the older generation as well. She emphasized that the venue would be good for the young and old as well.

There were none in the audience who wished to speak in opposition to the request.

Applicant, Tully Huffaker, concluded that there was much hard work to accomplish what would be best for the area and NLCC.

Commissioner Hall inquired if applicant was aware of the six-month review. Applicant affirmed, and stated he would do whatever the needs were to resolve any in-house problem with NLCC. Commissioner Hall asked if the artwork in the theater was the applicant's idea; applicant affirmed.

Chairman Vose asked applicant if he agreed with the conditions with alcohol in Resolution No. 11-18, and applicant affirmed. Chairman Vose then inquired of applicant if the decision was made to not permit alcohol would he agree with the conditions in the alternate Resolution No. 11-22. Applicant stated he understood from the meeting with NLCC that the conditions with alcohol would be approved, and had not been informed otherwise. Chairman Vose asked Staff if the applicant had been informed concerning the conditions without alcohol.

Brian Ludicke stated that Resolution No. 11-22 for non-alcohol was for use of review with the Commission, and applicant had been advised of said resolution by Staff. He stated that the alternate resolution was identical with the exception of any reference to alcoholic beverages.

Chairman Vose declared a recess and advised applicant to review the alternate resolution for non-alcohol.

## **RECESS**

Chairman Vose recessed the meeting at 6:56 p.m., and reconvened at 7:06 p.m.

Chairman Vose asked applicant if he reviewed the alternate resolution for non-alcohol, and applicant responded the alternate resolution was reviewed, the hours of operation and security requirements would have to be amended to stay in business.

Public Hearing closed at 7:08 p.m.

Commissioner Hall inquired if the mandatory six-month review was without complaint, would the review have to be revisited. Brian Ludicke responded in the affirmative and that the staff recommended this approach.

Chairman Vose clarified with staff that the conditions for sale of alcohol was discussed and agreed with by Pastor Marsh of New Life Community Church; Brian Ludicke affirmed. Chairman Vose concluded that the meetings with applicant and NLCC were worthwhile.

It was moved by Commissioner Hall and seconded by Commissioner Elihu to adopt Resolution No. 11-18 approving Conditional Use Permit No. 11-10. Motion carried with the following vote (5-0-0-2):

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

### **NEW PUBLIC HEARINGS**

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#### **3. Conditional Use Permit No. 11-12**

Chairman Vose opened the public hearing at 7:13 p.m. to hear a request by Living Word Worship Center, to allow a church in an existing building in Specific Plan No. 80-02, located at 43322 Gingham Avenue, Suites 101 and 102.

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 7:13 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Terracciano to adopt Resolution No. 11-19 approving Conditional Use Permit No. 11-12. Motion carried with the following vote (5-0-0-2):

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

#### **4. Tentative Tract Map No. 70861**

Chairman Vose opened the public hearing at 7:14 p.m. to hear a request by City of Lancaster Redevelopment Agency, to subdivide three lots (one lot located in the C Zone and two lots in the HDR Zone), 6.23± gross acres located at the southwest corner of Beech Avenue and Avenue I.

Commissioner Harvey recused herself from the hearing due to business relationship as a Director of the Lancaster Redevelopment Agency, and left the Chambers.

The reading of the staff report was waived, a representative from Lancaster Redevelopment Agency was present, and the Commission did not have inquiries. There were none in the audience who wished to speak in opposition to the request. Public Hearing closed at 7:14 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Elihu to adopt Resolution No. 11-20 approving Tentative Tract Map No. 70861. Motion carried with the following vote (4-0-0-1-2):

AYES: Commissioners Elihu, Hall, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

RECUSED: Commissioner Harvey.

ABSENT: Commissioner Malhi and Vice Chairman Jacobs.

Commissioner Harvey returned to the dais.

## **NEW BUSINESS**

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### **5. Amendment to Lancaster Municipal Code Chapter 5.26 – Vehicles for Hire**

Chairman Vose opened the public hearing at 7:16 p.m. to hear a request by the Planning Department, to: 1) Review and recommend to the City Council of the proposed amendment to the Lancaster Municipal Code regarding vehicles for hire; and 2) Consider and recommend to the City Council the appropriateness of licensing pedicabs to operate in the downtown Lancaster area, including The BLVD.

Brian Ludicke presented the staff report.

Chairman Vose acknowledged the presence of the Director of Public Works, Robert Neal, and thanked him for attending the meeting. He then expressed that the Commission's concerns were whether pedicabs would be allowed on sidewalks, and conflict with pedestrians; other modifications discussed to have a limitation of amount of pedicabs permitted, width of the street, loading and unloading, and rules of the road limiting pedicabs to load or unload on the right-of-way.

Brian Ludicke stated that one section of The BLVD is narrower, therefore, stopping to load or unload while westbound may not be feasible; eastbound does have options to load or unload (possibly Fig Avenue). Chairman Vose inquired if it was the intent for pedicabs to be sharing the right-of-way with automobiles; if so, pedicabs have to abide by all the rules and regulations of traffic safety. Brian Ludicke affirmed.

Commissioner Hall inquired if the pedicabs were human-powered, or was there a possibility of electrical assist, such as the hybrid vehicle. Brian Ludicke stated the intent is not to allow a motorized-type vehicle with gasoline engine, although there are electric-motor assist pedicabs. The ordinance specifically does not address the issue of horse-drawn carriages, taxis, or any other type vehicles regulated by other City regulations. Commissioner Hall asked if there would be a limited number of pedicabs allowed. Brian Ludicke responded there were no specific limits; however, the ordinance would permit the City to impose such limits if the pedicabs become a hindrance to traffic flow, a safety factor for pedestrians, or as a case reviewed

in San Francisco, competition among pedicabs operators which resulted in quarrels, for example. The City's main concern is public safety.

There were none in the audience who wished to speak in opposition to the request. Public Hearing closed at 7:26 p.m.

It was moved by Commissioner Elihu and seconded by Commissioner Harvey to adopt Resolution No. 11- 21, recommending to the City Council adoption of proposed Chapter 5.26 of the Lancaster Municipal Code, and further recommending that the specific operation of pedicabs in downtown Lancaster is appropriate. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Elihu, Hall, Harvey, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi and Vice Chairman Jacobs.

## **DIRECTOR'S ANNOUNCEMENTS**

Brian Ludicke announced that the Principal Planner, Silvia Donovan, would be retiring the end of December 2011. He stated that Silvia's professionalism and skill would be missed; as an example, she was very instrumental in the meetings with the applicant and NLCC in explaining the process and procedures of the Planning Commission. He expressed accolades of appreciation, and a special "thank you" to Silvia.

Commissioner Hall commented on Silvia's instrumental guidance with the Architectural and Design Commission, noting she has left her mark on the City and would be missed.

Chairman Vose stated that Silvia is an asset and pleasure to work with, and complimented Silvia's professionalism; her temper is always under control even in contentious situations, and expressed words of gratitude for her services of excellence.

Brian Ludicke informed that there would possibly not be a meeting in December, and would inform and post appropriately. He reminded the Commission and the audience that the Architectural and Design Commission will hold a discussion on the Draft for Master Plan of Trails and Bikeways during its November 23, 2011, meeting.

## **COMMISSION AGENDA**

None.

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

None.



**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 7:34 p.m., to the Special Meeting for Agenda Review on Monday, December 12, 2011, at 5:30 p.m., in the Planning 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