

# **MINUTES**

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## **REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION**

**June 17, 2013**

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### **CALL TO ORDER**

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

### **INVOCATION**

Joanna Giovanna, Spiritual Assembly of the Baha'is of Lancaster.

### **PLEDGE OF ALLEGIANCE**

Commissioner Cook.

### **ROLL CALL**

Present: Commissioners Cook, Harvey, Malhi, Smith, Terracciano, Vice Chairman Hall, and Chairman Vose.

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Assistant Planner (Chris Aune), City Engineer (Michelle Cantrell), Recording Secretary (Joy Reyes), and an audience of three people.

### **CONSENT CALENDAR**

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#### **1. APPROVAL OF MINUTES**

It was moved by Commissioner Harvey and seconded by Commissioner Smith to approve the Minutes from the Regular Meeting of May 20, 2013. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Cook, Harvey, Malhi, Smith, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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**NEW PUBLIC HEARINGS**

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**2. CONDITIONAL USE PERMIT NO. 13-04**

Chairman Vose opened the public hearing at 6:04 p.m., to hear request by Gerardo Romero, to allow a nightclub with on-sale beer and wine (ABC License Type 42) at El Terre Nightclub, in the CPD (Commercial Planned Development) Zone and a waiver for the separation distance requirement, located at 44950 Valley Central Way, Suite 104.

The staff report was read by Chris Aune; an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Vice Chairman Hall requested clarification of the staff's report that the proposed establishment would serve a specific community need. Chris Aune stated there have been no other night clubs available in that area since 2011; one other night club mentioned is located in the Downtown Lancaster area. Vice Chairman Hall stated in addition, for evening entertainment, live music, and beverages; Chris Aune affirmed.

Chairman Vose inquired concerning prior applicants not required to obtain conditional use permits because of the location. Chris Aune explained that the area was zoned regional commercial, and did not require a conditional use permit for live entertainment or alcohol use. Chairman Vose inquired whether similar venues previously approved by the Commission in the proposed project area have ceased operation; Chris Aune affirmed. Chairman Vose asked if the waiver, relative to the distance of the proposed project and the church operation, has been in existence since the other venues have moved; Chris Aune affirmed, and stated that the church has been in the area since 2002; does not object to the proposed project in the same location; and the hours of operations do not conflict with proposed project hours. Chairman Vose asked Chris Aune to explain the noticing and posting requirements for the proposed project. Chris Aune stated the requirement is to notify property owners within 500 feet of the proposed project property lines; however, the applicant distributed fliers with information as stated on sign posting to the tenants in the Lancaster Market place. Notification information on the sign posting includes the date of the hearing and the approval request. Chairman Vose expressed his concern with tenants not being notified; he would not want a complaint brought before the City Council or the Commission indicating they were not properly informed and given an opportunity to express their opinions on an issue. He stated that ordinances have not been changed in the past relative to certain development standards, but policies have been established; he suggested topic for future discussion is how to deal with noticing in mixed use areas. He inquired if there would be a need to make an amendment to the ordinance or establish a policy; he requested Joe Adams or Brian Ludicke to search into the matter.

Applicant Gerardo Romero stated he would like to open a business in Lancaster. Chairman Vose asked the applicant if he was aware of, and had agreed to, the condition relative to liability that had been added to the conditions of approval. Applicant affirmed. Chairman Vose inquired of the applicant's experience in managing a nightclub. Applicant stated he had 12 years of experience.

Vice Chairman Hall asked the applicant to define the name of the nightclub (El Terre). Applicant stated El Terre means "going home or to a nice place".

Commissioner Terracciano asked the applicant if he owned nightclubs in other locations. Applicant stated he is a self-employed promoter; brought live bands to Los Angeles, San Fernando, and presently here in Lancaster.

Commissioner Smith inquired if applicant's experience was from nightclub management, or promoting bands. Applicant responded his experience was promoting and management.

Chairman Vose inquired if the applicant understood the restriction that the use does not allow the applicant or the owner to lease the facility. Applicant responded he understood an outside promoter cannot lease the facility.

Chairman Vose stated that the Commission requested and received crime statistics report from LASD for the proposed project area to cover the past 10 years, and pointed out that there were only a few serious incidents. Chairman Vose encouraged the applicant to keep the area a safe place for people to shop. Reviews would be conducted by the City for potential problems.

Vice Chairman Hall referenced to Condition No. 24 that states in portion "the City reserves the right to periodically review the operation for potential problems." He emphasized that if the crime rates increased (on-site), the City would conduct a review; change conditions, or possibly revoke the business license. Applicant's representative, Marta Candry, informed the Commission that the applicant agreed, and did not want any problems. In summary, Marta Candry opined that opening the nightclub would also help the surrounding businesses.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:25 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Cook to adopt Resolution No. 13-06 approving Conditional Use Permit No. 13-04. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Cook, Harvey, Malhi, Smith, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

## **DIRECTOR'S ANNOUNCEMENTS**

Brian Ludicke reminded the Commission concerning the start time of the Special Meeting for Agenda Review on Monday, July 8, 2013, to begin at 5:00 p.m. to accommodate a presentation by an applicant.

Staff presented a video of dust mitigation measures in the Lancaster community areas related to solar photovoltaic (PV) projects. Brian Ludicke stated that the concern of the community is soil erosion and dust, and what role the development of alternative energy projects

has played in recent dust storms. He encouraged the Commissioners to view the City Manager's remarks online. In conclusion, he stated that solar development on the west side is not the major cause of the dust storm events that have occurred.

Chairman Vose expressed that he agreed with the City Manager's comment on the dust being unavoidable because of the area in which we live. He referred to erosion control; putting aggregate down is one method, and mulch is another, as a soil stabilizer beyond chemical treatment that is used for soil, which is imposed by the Commission on any condition where soil disturbance is present. He inquired of the method that is used for the access roads. Michelle Cantrell opined that a less expensive alternative is a green waste type of material that can be obtained without cost from Waste Management and the City of Los Angeles; it is also as effective as the gravel. Chairman Vose inquired if the developers of approved projects and projects under construction are trying to conform to the requirements as imposed. Michelle Cantrell stated the companies that have done jobs in Lancaster have done a good job of keeping the dust down. Chairman Vose asked if the activities at the construction sites are monitored. Michelle Cantrell affirmed.

Vice Chairman Hall inquired if a log was kept by the City for complaints concerning the dust storms; the logs may be useful in future debates. Michelle Cantrell stated that complaints are received and retained in a Comcate system; the system is used by all departments in the City in reference to subject matter. Vice Chairman Hall inquired if the Commission could have access to the Comcate system. Commissioner Smith interjected that the information for the dust storms would have to be in comparison with information at least 10 years prior; therefore, it would be impossible to obtain information if the system was not used then. Vice Chairman Hall agreed and stated he was interested in the historical data to get an understanding. Chairman Vose stated the Antelope Valley Air Quality District may have statistical information available regarding dust activities. He stated that with any construction projects in like manner, the structures are pile driven; however, the electrical is underground, and developing PV projects are not dissimilar to most footing foundational undergrounding of any construction project.

## **COMMISSION AGENDA**

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Chairman Vose inquired about the Map Act adopted by the Legislation in reference to extensions of 24 months. Brian Ludicke stated there is legislation pending granting 24-month extension, and he does not have the status. A version of the bill added discretionary ability on the part of local agencies to consider denial of extensions for maps that were approved prior to the year 2000, but he does not know if that is the current language. If adopted by Legislature, it should be effective in July. Chairman Vose requested if the Commission could be informed of the bill number and sponsor when received. Brian Ludicke affirmed.

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

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None.

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**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 6:45 p.m., to the Special Meeting for Agenda Review on Monday, July 8, 2013, at 5:00 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