

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

November 18, 2013

View this Meeting on
[Public Meeting Web Streaming](#)

CALL TO ORDER

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

INVOCATION

Commissioner Crist.

PLEDGE OF ALLEGIANCE

Commissioner Harvey.

ROLL CALL

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

Absent: None.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), Associate Planner (Chuen Ng), Planning Commission Legal Counsel (William Litvak), and Recording Secretary (Joy Reyes).

There were approximately 29 people in the audience, including the following City representatives: Public Safety Officer (Anthony Perez), Los Angeles Sheriff's Department (Deputy Lance Jordan and Deputy Daniel Welle).

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Malhi and seconded by Commissioner Crist to approve the Minutes from the Regular Meeting of October 21, 2013. Motion carried with the following vote (7-0-0-0):

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

NOES: None.
ABSTAIN: None.
ABSENT: None.

NEW PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 13-10

Chairman Vose opened the public hearing at 6:04 p.m. to hear a request by Chipotle Mexican Grill to add on-site consumption of alcoholic beverages (Alcoholic Beverage Control Type 47, for Bona Fide Public Eating Place) within an existing restaurant (Chipotle Mexican Grill), in the C (Commercial) Zone, located at 855 West Avenue K, Unit #101.

The staff report was presented by Chuen Ng. 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 6:05 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 13-17 approving Conditional Use Permit No. 13-10. Motion carried with the following vote (7-0-0-0):

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

3. REVOCAION HEARING - CONDITIONAL USE PERMIT NO. 11-10

Chairman Vose opened the public hearing at 6:06 p.m. to hear a request by the City of Lancaster Planning Department to consider revocation of Conditional Use Permit No. 11-10, Industry Theater, located at 43415 Business Center Parkway #103, pursuant to Section 17.42.130(C) of the Lancaster Municipal Code (LMC).

Chairman Vose acknowledged receipt of numerous emails, letters and voicemails in support of the Industry Theater.

The staff report was presented by Brian Ludicke. There were seven pertinent conditions violated; note that recommendation is based upon the effect of public health, safety and welfare; criminal law and administrative law as enforced by the State Department of Alcoholic Beverage Control; extensive calls for service from the Los Angeles Sheriff's Department; and violations summarized on pages 5-6 of the staff report.

Assistant City Attorney Corbett reminded the Commission that Deputy Welle, Deputy Jordan, and Public Safety Officer Perez declarations were included in the staff report, and were also present to answer any questions.

Vice Chairman Hall referred to staff's presentation and asked Brian Ludicke to give an example of how the City went about bringing the applicant (Industry Theater) and New Life Community Church (the Church) into compliance during initial approval of the conditional use permit.

Brian Ludicke stated that City staff visited the site to assess the situation; and observe the operation of the use of venue; not to initiate a revocation, but to observe whether there were any violations and to ensure compliance. The Los Angeles Sherriff's Department (LASD) service logs following incident in February 2013 increased.

Vice Chairman Hall inquired as to where the calls originated from. Assistant City Attorney Corbett responded that the calls were from individuals regarding the incidents, and directed the question to Deputy Jordan.

Deputy Lance Jordan stated call logs were generated from patrons at location where assaults occurred last January, who transported by Los Angeles Fire Department (LAFD) to AV Hospital; an incident card is completed by the responding officer when incidents such as this occur; the City is notified if becomes a nuisance abatement issue.

Vice Chairman Hall inquired on the violation of nuisance calls to the LMC by Industry Theater patrons. Attorney Litvak stated that according to the LMC there is no restriction on how the calls are made. Generally speaking, one would presume that if there were no disturbance there would be no call. Consequently, the Commission could consider those calls, and can consider the number and quality of the calls in weighing and balancing whether or not the applicant has operated the venue in a fashion that causes nuisances. The public hearing is not a court of law technically, therefore technically the rules of hearsay and inadmissibility are relaxed, and the Commission can consider and give weight to the testimonies as deemed appropriate.

Speaker Tully Huffaker commented that two of the nuisance calls he made to LASD were to inquire about hiring law enforcement in the parking lot for a large event; a nuisance property is when an establishment has been misbehaving as a nuisance, and refuses to alter their course. He did not receive any notice of the establishment being a nuisance, and expressed that when the City came to the building, it was not a visit; he was being bullied, and threatened by Lee D'Errico; Chase Bank reported 35 nuisance/service calls a year. Due to court date against Deputy Jordan and Lee D'Errico, he was uncomfortable to discuss further. Lee D'Errico was accompanied by Deputy Jordan to perform an illegal search after hours which are not according to ABC terms. Facebook post are not legally binding, cannot tell if people in the photos are on his premises; fabricated allegations of in/out policy by images based on a flier that notes there is a smoking patio has nothing to do with an in/out policy, every bar has a smoking patio; props are used on-stage to appear as something else (i.e., Jack Daniels' glass filled with iced tea, fake dead body); regarding violation #10 (ABC license use) Tully Huffaker is the only one serving alcohol in the premises (if away from area, serving area is closed); violation #4 (shooting incident) is only incident not on Facebook that did happen; haunted house on Wednesday/Sunday, and teen night on Wednesday with church approval, as long as alcohol was not served. On LMC grounds of revocation, as of November 13, 2013, the Industry Theater no longer serves alcohol, therefore,

is no longer an on-sale establishment. He was afraid of losing his business, wanted to work with the City, would do anything they asked, the establishment was a positive influence in the City, and have brought international artists to the City who had no knowledge of the existence of Lancaster if not for Industry Theater. He wants to stay open for the community, not for the money. The venue has had 300 shows and one (1) incident; was not aware of anyone ever being beaten up and taken away in an ambulance.

Commissioner Crist stated he likes music, and attends concerts. When Mayor Parris appointed him to the Planning Commission he was told to be the link between the youth and City. Therefore, he would make sure Tully Huffaker is heard; situation is assessed properly. Taking into consideration is public safety as well; the incident occurred, and four people were shot. Commissioner Crist then asked Tully Huffaker why he should vote to allow him to remain open when public safety has been violated.

Tully Huffaker responded that mistakes happen; high schools and fast food restaurants having shootings, and questioned if those establishments were shut down. He was not a gangbanger, the shooting incident was a terrible occurrence that he had not intended to happen; he did not have control over the event; and avowed it would not happen again; this is one-time incident. If LASD had been present at the event, the shooting incident would not have occurred. In the past two years he did not receive any communication with him from the City of any problems with Industry Theater.

Commissioner Crist mentioned there is a difference between allowing a security officer when not approved to be there, and a random shooting. He recalled Tully Huffaker's comments the he would do anything the City asked in order to keep his business; one of the conditions was no armed security at any time, and that condition was violated. At the same time his concern is to justify whether the City should allow the business to continue, can this incident happen again, the evidence is before the Commission.

Tully Huffaker stated the incident happened once and suggested the Commission should just reprimand him, advise him of what he can do in the future instead, and not close his business. He did have a licensed security guard with a gun and bonded that was brought in by a promoter from Los Angeles for the event. The incident happened in February, and asked why staff waited until November.

Commissioner Terracciano mentioned that he viewed Tully Huffaker's video posted on YouTube, and comparing the February incident with his statements that he has made during the hearing, Tully Huffaker seems to be shoving the blame. He sub-leased the venue; therefore, he is responsible for events and whatever happens. In the video he stated having a liquor license and how people take advantage; Commissioner Terracciano asked if he ever let anyone bring in their own alcohol.

Tully Huffaker responded that the only alcohol is "his" beer, and he sells his beer personally every time there is an event because that was his money, which was a crucial aspect to revenue until he got rid of the license. There were times when he confiscated other alcoholic beverages.

Chairman Vose then asked Tully Huffaker to clarify if any other types of alcohol were on the premises other than beer; Tully Huffaker affirmed.

Commissioner Terracciano commented that in subleasing his venue, Tully Huffaker must be aware of who he is hiring, and recalled the statement that he did not know the promoter was bringing in certain people with him.

Tully Huffaker stated that if someone rents the place and lies to him, he does not know if the person is telling the truth or not, and asked if he needed to research someone's life.

Commissioner Terracciano expressed that the present hearing was a disappointment because Tully Huffaker, standing before the Commission, as in initial meetings, agreed and promised to go by the approved conditions; the conditions have been violated, and he is stating the conditions have not been violated.

Tully Huffaker responded he was not saying the conditions were not being violated, and the Commissioner's evidence was unfounded. He does his best for every event, that's all he can say or promise. He only has security guards with security shirts and his establishment is the best of every on-sale local establishment; this is supported by service calls and history.

Commissioner Malhi inquired on the hours of operation, all-night parties, and crowd control; venue was open later than approved hours (according to conditions list, closing time is 1:00 a.m.) as referred to on a promotion advertisement flier closing at 2:00 a.m.

Tully Huffaker stated he would stop selling alcohol at 1:00 a.m., but unfortunately it is hard to close at 1:00 a.m.; if a stage show went over that time, it opens him up to being sued if he cuts someone off. He was unaware of fliers that stated hours up to 2:00 a.m. The only event that was over capacity was the February event with the shooting incident; he tried to discuss the situation with the promoter who did not want to follow the contract. Tully Huffaker again stated he was a young little white guy and the promoter did not want to hear him; after the shooting the promoter took his money and left.

Commissioner Harvey expressed to Tully Huffaker that the Planning Commission take their duties very seriously; 5 of 7 commissioners present were on the body when the Commission voted unanimously to allow his business to start in 2011. The Commission rooted for him; asked specifically if he would abide by those conditions, and he agreed on every condition. She stated he offended the Commission by stating the meeting was in disorder, and firmly declared that due diligence is practiced in every hearing. She pointed to his attitude of not taking responsibility; using the "poor little white kid" phrase in this situation. The hearing was not about race or gangster rappers, but for the mere fact that there were several violations committed.

Commissioner Cook stated that the Commission is in support of entrepreneurs, businesses, and the youth. She told Tully Huffaker that his defense for every action was "what could I have done". The Commission is now in a position to make a hard decision, and that as much as the Commission is respecting him, he too must respect the Commission.

Chairman Vose asked to Tully Huffaker to clarify if he surrendered the ABC type 40 license in Van Nuys on November 13, 2013. Tully Huffaker affirmed.

Chairman Vose questioned if he recalled his commitment to initial acceptance to conditions. Tully Huffaker responded that he felt he was coerced by the Church in conjunction with the Commission to accept the conditions. Chairman Vose clarified with Tully Huffaker whether it was his opinion and testimony that he was coerced by his neighboring tenant in

conjunction with the Planning Commission to accept the conditions that were imposed upon him; agreed to sign an affidavit recorded with the property of Industry Theater. Tully Huffaker responded he had a business fully ready and booked out; on the day of the initial hearing he had to cancel out thousands of dollars of entertainment, bathroom was built, what was he supposed to do. Chairman Vose questioned again was he coerced or not. Tully Huffaker responded he was not coerced and the Planning Commission was very helpful.

Commissioner Terracciano asked Tully Huffaker if he was aware that he needed a business license when he started to build the Industry Theater. Tully Huffaker responded the Church tenants informed him before he signed his lease that they were happy with his endeavor; the day of the initial hearing the Church disagreed with the plan. He stated he knew he would need a conditional use permit, but did not think anyone would complain. Commissioner Terracciano recalled that in Tully Huffaker's presentation of the initial conditional use permit, he already had the business up and going. Tully Huffaker stated he already had it ready to start, assuming he would receive a conditional use permit; did not receive conditional use permit until one month later. He informed Tully Huffaker that the Commission considered the desire he had to open the business and gave him that opportunity to do so and his attitude in present hearing is placing blame and accusations made against the City. Tully Huffaker alluded that it was not everyone in the City, just Lee D'Errico.

Chairman Vose asked Tully Huffaker 12 questions to which he responded accordingly, as follows:

- Q1: Were alcoholic beverages other than beer ever on the premises?
Mr. Huffaker: Yes; the parking lot.
- Q2: Were alcoholic beverages in the area of the club outside of the 682 square feet service area?
Mr. Huffaker: No.
- Q3: Were alcoholic beverage ever consumed on the exterior of the premises?
Mr. Huffaker: Yes.
- Q4: Were there ever armed security personnel on the premises?
Mr. Huffaker: Yes.
- Q5: Were there concerts/events past 1:00 a.m.?
Mr. Huffaker: Yes.
- Q6: Were there concerts/events before 7:00 p.m. on a Saturday?
Mr. Huffaker: Yes.
- Q7: Were there concerts/events held on Wednesday?
Mr. Huffaker: Yes; haunted house.
- Q8: Were there concerts/events on a Sunday?
Mr. Huffaker: No; haunted house on Sunday.

- Q9: Did you ever fail to provide records establishing that all club employees who serve and sell alcoholic beverages had successfully completed responsible beverage service training?
- Mr. Huffaker: No; I am the only person who serves alcohol, and eligible to do so according to the ABC.
- Q10: Was the use of previous ABC license by any person other than self?
- Mr. Huffaker: Never.
- Q11: Did you ever fail to enforce a strict no in/out policy?
- Mr. Huffaker: No, but allowed a woman to exit to get personal needs from her vehicle.
- Q12: Did you discuss with others in maintaining or allowing a chronic nuisance property that has generated more than five service calls during a 12-month period?
- Mr. Huffaker: A nuisance according to the LMC is a premise that has been notified that it is a nuisance and fails to rectify. I have not been notified of anything.

Attorney Litvak brought to Commission's attention that Tully Huffaker had exited the hearing. Chairman Vose acknowledged and proceeded with next speaker, Pastor Craig Greatman of Real Life Community Church.

Chairman Vose acknowledged Ms. Lorraine Gollub (grandmother of applicant); she asked if the hearing could continue when Tully Huffaker returned.

RECESS

Chairman Vose recessed the meeting at 7:19 p.m., and reconvened at 7:34 p.m. He instructed Tully Huffaker to inform the Commission if he wished not to remain for the hearing.

Pastor Craig Greatman of Real Life Community Church stated his intention was to be side-by-side with Tully Huffaker to strategize. He expressed his love for the Antelope Valley, family still in area and he returned to pastor the church. He cares about the kids; supportive of the Industry Theater and have attended a few events; people he serves are young people that are musicians in the area and involved in hip hop; big idea about partnering with "Tully"; obvious that the young man needs coaching; his life and livelihood is at stake. He does not want to make excuses for Tully; he just wants to invest in him by walking with him. As Christians they are not to avoid those events, but to be in those events. He pointed out that there were several young men in attendance with him that have plans to be a positive influence, and present strategies to develop to walk forward.

Tully Huffaker declared Pastor Craig Greatman as a speaker on his behalf.

Speaker Pastor Greatman voiced that giving up the ABC license has been one action to rectify the matter. Tully does well at bringing together events with talented artists for the young people. Pastor Greatman was a former park ranger and from that experience he brings "peace" with him and the Lord Jesus Christ; he planned to be at the events in civilian clothing with other

supporters. The Industry Theater is a valuable asset to the City, and without alcohol a greater opportunity.

Chairman Vose clarified that Tully Huffaker had surrendered the ABC license; Tully Huffaker affirmed he did so voluntarily. Pastor Greatman revealed that he was unaware that the Industry Theater was unavailable on Sundays, and wanted to know if it was possible to gather on Sunday afternoons at 4:30 p.m., while the other church is not open, contingent upon the outcome of the hearing. Chairman Vose advised them to follow-up with Planning Staff on the process after the hearing.

Speaker Keontay Bluford stated he worked at Industry Theater as one of the youth leaders; they try to provide youth opportunities in a safe environment. It is not just a concert venue, but also a way of life for the youth; the venue receives youth expelled from school and sends them to academics. There was times alcohol was confiscated from patrons and was dealt with immediately by security officials at Industry Theater. Commissioner Terracciano asked if he was actually working with the youth as an outreach at the Industry Theater, and if the program was supported by a school; Keontay Bluford affirmed and stated through the San Luis Obispo National Grizzly Youth Academy.

Speaker Izzy Carbajal stated he is in the band at Industry Theater, and it gives them opportunity to have a cool and safe place to “hang out”.

Speaker Steven Redondo stated he is a close friend of Tully Huffaker and a graduate of the San Luis Obispo National Grizzly Youth Academy (GYA), and wanted to come back and help youth, and the venue is a place where youth can come together. Commissioner Harvey asked for clarification of his interest in starting a business, whether it was seeing what had happened with Tully Huffaker or something else. Steven Redondo stated it was not the Commission, just many other things happening in the community.

Speaker Nathan Wheeler stated that the Industry Theater has been a safe haven for him. He shared personal troubles; the venue was his first start in the music industry; it has gotten youth off the streets/drugs and placed them in a positive environment. If shut down, there is no other place for musicians to go.

Speaker Charles Wheeler stated the cops in the Antelope Valley are harassing people; he feels safe at the Industry Theater. There have been shootings at the Antelope Valley Fair and BeX, and these entities were not shut down. The youth would have no other outlet.

Tully Huffaker asked for continuance in order to seek legal assistance.

Assistant City Attorney Corbett indicated to note for the record that Tully Huffaker has shown remorse. However, the areas of concern are Tully Huffaker has provided no evidence that he has made any changes to his operation to verify that there are no guns coming into the club; and he has provided no changes that he has made to insure that he is limiting the number of patrons, so that he does not get a crowd that is out of control.

Lorraine Gollub stated she was at the initial hearing, and thanked the Commission for the opportunity. She expressed that Tully Huffaker has dedicated and invested physical time and effort along with other workers into the facility. Older generations are grateful that the youth have a venue where they can express themselves in a safe environment. She implored the

Commission to continue the hearing, allow Pastor Greatman and possibly the Staff for constructive suggestions that might help; and to find out why the Commission was contacted; inquired if there was competition in the community eager to combat and compel Tully to lose his license. He is not looking for a lawsuit or investigation, but to continue his business giving up the ABC license is a big step. With a continuance Tully could obtain counsel.

Chairman Vose asked Lorraine Gollub if she was still the co-signer of the lease for the Industry Theater. She stated she co-signed for one year.

Chairman Vose asked Tully Huffaker on the status of the lease on the property. Tully Huffaker responded the status was still in full effect, and has no problems with the landlord.

Chairman Vose inquired about the process and requirements of noticing of hearing to co-tenants; obtaining legal representation; and comments relative to request for a continuance. Brian Ludicke explained the are special noticing requirements for consideration of a revocation. Chairman Vose commented that sign posting is not a condition of the LMC. Brian Ludicke stated that sign posting is to provide information that a notice has been given, but not a mandatory requirement.

Commissioner Terracciano inquired as to the lead time noticing to Tully Huffaker. Brian Ludicke stated notices were provided 20 days prior to the hearing. Vice Chairman Hall asked if a response was received from the landlord or property interest. Brian Ludicke affirmed that acknowledgement was received for the registered letters.

Commissioner Crist inquired if it was time for deliberation. Chairman Vose informed that the Public Hearing was still open to have discussion with staff and legal counsel; also to allow statements for individuals that provided witness statements or affidavits.

Commissioner Crist expressed that he was excessively conflicted with his decision. He observed two sides with valid points; familiar with youth complaints of nothing to do in the AV. He asked the Commission as to what steps can be taken to make the situation work. He referred to the 6-month review in the initial approval, inquired if that could be revisited, and if there were certain qualifications that could be put in place that the violations mentioned will not continue.

Chairman Vose stated that the matter before the Commission is a revocation hearing, not an application to amend the conditions. Brian Ludicke affirmed. Chairman Vose inquired of Staff if the majority of the Commission decided to continue, suggest modifications to the conditional use permit; there are three choices to be made: uphold the recommendation of the staff; deny the recommendation of the staff; or continue the matter. Brian Ludicke stated the Commission does have legal authority to modify conditions, if the Commission deems it appropriate. However, from a staff's prospective it is not recommended to do so from the dais. Tully Huffaker has indicated to the Commission in testimony that significant operating changes, including surrender of the ABC license, are different from what the original conditional use permit was approved. If the Commission is considering possible modifications or other approaches, the continuance would be the appropriate action to take in the matter.

Commissioner Malhi requested Detective (or Deputy) Daniel Welle to the podium and inquired if there had been any changes since the shooting incident. Detective Welle stated there was noticeable change in guest type and size since the incident occurred; increased service calls after the shooting would be have to be deferred to Deputy Jordan. Working with confidential

reliable informants, he observed positive change at the Industry Theater when the liquor license had been dropped.

Chairman Vose asked Detective Welle if it was his investigation that alcoholic beverages were in premise other than beer. Detective Welle stated it was not his investigation; the investigation was conducted by Detective Gutierrez, and presently on-going by another detective. He did observe bottles of alcohol that were not beer, and was unclear whether alcohol was sold or brought to the premises.

Chairman Vose referred to Lorraine Gollub's statement that one of the principal reasons to ask for a continuance is so the Assistant City Attorney can receive information. Chairman Vose informed that in the public hearings before the Planning Commission, the Assistant City Attorney does not make decisions for the Commission; the Commission makes decisions based on evidence presented. Assistant City Attorney Corbett affirmed.

Chairman Vose asked Attorney Litvak if he had comments regarding Tully Huffaker's request for counsel. Attorney Litvak responded that the LMC permits the Commission in their discretion to deny or grant continuance, although the request is usually made at the beginning of the hearing not the end. He concurred with the recommendation by Brian Ludicke concerning establishing new conditions. There was a suggestion by Tully Huffaker who raised an issue of intent, and directed to the LMC provided by Staff that there is no technical requirement of intent; it is the effect on the community that the Commission is considering.

Commissioner Terracciano asked Tully Huffaker if removing the ABC license from the business would enable him to maintain the business. Tully Huffaker responded that he was unsure; surrendered license in an effort to not have the problems concerning alcohol with the ABC or the City.

Commissioner Harvey clarified with Tully Huffaker of his statement "coerced", and asked if he was "made to" give up the ABC license by the Planning Commission or the City of Lancaster; Tully Huffaker responded "No", and stated it was his decision to surrender the ABC license, so that his establishment would be safe. Chairman Vose recalled how adamant Tully Huffaker's remarks were in the initial hearing concerning the ability to dispense alcoholic beverages, because of potential economic failure due to revenue source. Tully Huffaker stated he did recall making the statement, but has since seen that with more of the recent connections and networking, he feels he can feasibly maintain his business without alcohol.

Commissioner Crist asked Tully Huffaker whether he would be willing to take responsibility as owner of the business if an incident occurred again. Tully Huffaker responded he would take responsibility however, difficult to relate because he could not stop what happened.

Commissioner Cook inquired concerning statement made that if given more time, Tully Huffaker would have had an attorney present for the hearing. Tully Huffaker stated he would have consulted a lawyer because he is not well-versed on matters presented. Commissioner Cook stated the hearing was not a court of law. He responded that having an attorney with him might not have helped, but it would not have hurt him either. He was not able to obtain a lawyer in time because of his financial standing.

Public Hearing closed at 8:34 p.m.

Vice Chairman Hall stated that at the initial hearing in 2011, his main concern was with alcohol going out of hand, which at that time the commission was presented with similar issues occurring at another venue. He opined that surrendering the ABC license showed Tully Huffaker to be remorseful; Pastor Greatman desiring to have a church service would change the conditions if the Commission allowed the venue to remain open. He referred to the February shooting incident as a pattern (four people) very serious; and the illegal substance was found in Tully Huffaker's desk per the LASD report.

Commissioner Crist stated he wanted to reiterate that the decision was very hard for him. If allowed to continue, there is one violation that keeps pointing back as a reflection on the City and people will ask the questions, "didn't the City know what happened in the past; and why didn't the City stop it?" He did not want to hear those questions asked. He concluded that the major issue happened at one time; he observed a small improvement from testimonies given; and opined the decision should be given more thought.

Chairman Vose shared his experience in parenting five youth in the Antelope Valley. He expressed his opinions to the Commission of why he would not continue or approve the conditional use permit to remain open.

It was moved by Vice Chairman Hall to adopt Resolution No. 13-18 revoking Conditional Use Permit No. 11-10. Motion failed for lack of second.

It was moved by Commissioner Crist and seconded by Commissioner Malhi to continue for 60 days to modify the conditional use permit, defer to staff, and return recommended conditions before the Commission. Commissioner Malhi withdrew his motion. Motion failed for lack of second.

It was moved by Chairman Vose and seconded by Vice Chairman Hall to adopt Resolution No. 13-18 revoking Conditional Use Permit No. 11-10. Motion carried with the following vote (4-3-0-0):

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

DIRECTOR'S ANNOUNCEMENTS

Brian Ludicke announced there were no agenda items to present before the Commission in December, and recommended this meeting adjourned to the January 13, 2014, Special Meeting.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 9:00 p.m., to the Special Meeting for Agenda Review on Monday, January 13, 2014, at 5:30 p.m., in the Planning Conference Room, City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster