

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

February 23, 2015

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### CALL TO ORDER

Chairman Vose called the regular meeting to order at 6:04 p.m.

### INVOCATION

Fr. Leo Dechant, Father Serra Parish Church.

### PLEDGE OF ALLEGIANCE

Chairman Vose.

### ROLL CALL

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

Absent: None.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), City Engineer (Michelle Cantrell), Associate Planner (Chuen Ng), Assistant Planner (Chris Aune), Assistant Planner (Randie Davis), Recording Secretary (Joy Reyes), and Recording Secretary (Marion Coleman). There were approximately 25 people in the audience.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Vice Chairman Hall and seconded by Commissioner Terracciano, to approve the Minutes from the Regular Meeting of January 26, 2015. Motion carried with the following vote (7-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

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**NEW PUBLIC HEARING**

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**2. CONDITIONAL USE PERMIT NO. 14-14**

Chairman Vose opened the public hearing at 6:12 p.m. to hear a request by Rami Darghalli to add Type 21 (off-sale general) Alcoholic Beverage Control (ABC) license for the incidental off-sale of alcoholic beverage in the C (Commercial) zone, located at 43157 20<sup>th</sup> Street West.

Commissioner Malhi recused himself from the dais stating that he resides in close proximity to the proposed conditional use permit.

The staff report was presented by Randie Davis. A letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report with the exception of Condition No. 9.

There were eight (8) speaker cards, including the applicant and his representatives.

Applicant Rami Darghalli and his representatives, Charlotte Ramos of All City Permits and Carlo Shihady, approached the podium. Charlotte Ramos proposed that the applicant be allowed to sell beer in 22-ounce quantities in lieu of the minimum 40-ounce (Condition No. 9); the applicant stressed that this condition would be detrimental to the success of the convenience market, as this would preclude them from selling a variety of “specialty” craft beer that their customers seek to sample. Rami Darghalli clarified for the Commission that 30 percent of sales is geared toward alcohol, 30 percent on meat and produce, and 40 percent on groceries and snacks.

Chairman Vose expressed his concerns about the project as proposed, stating he perceived this as an attempt to establish a liquor store rather than a convenience market. Chairman Vose raised the issue in reference to the submitted revised floor plan showing a “man-door” to be used for merchandise delivery, while vehicle circulation and improvements on the south side were not addressed. The applicant reiterated that Condition No. 9 would impair the success of their business, and that the convenience market would not be operated as a liquor store. Access for delivery trucks was discussed.

Speaker Van Perry inquired if there would be a future request for a gas service station, and stated a conditional use permit with restrictions on alcohol sale hours is desirable.

Speaker Chris Nordstrom, a 50-year resident in the area, read the letter he presented to the Commission stating his opposition and concerns for the types of liquor being sold, increase of waste materials, moral decay of individuals who purchase the alcoholic beverages, noise and traffic congestion.

Speaker Dan Mullen, 26-year resident in the area, strongly urged that the conditional use permit be denied. He asked that the area be re-zoned to residential for the safety of residents and nearby school; a liquor store is not appropriate for the area.

Speaker April Mullen stated the Albertson’s down the street can accommodate convenience shopping, including craft beers, for residents; empty store fronts on 20<sup>th</sup> Street West

and Avenue L are more appropriate for this type of business; and the proposed project area would not be big enough for delivery trucks to maneuver.

Speaker Grueneberg stated his concurrence to the concerns already expressed by his neighbors.

Applicant Rami Darghalli provided a rebuttal to traffic concerns raised, and pointed out the convenience of shopping at smaller stores in comparison to large grocery stores.

Public hearing closed at 6:45 p.m.

Chairman Vose addressed the following matters:

- Initiating a zone change of any parcel is not within the Commission's purview.
- Traffic calming improvements at Avenue K-8 and 20<sup>th</sup> Street West installed by the City.
- The Commission and the City do not select sites for applicants; the Commission has the discretion to approve, deny or modify conditions recommended by staff.
- The proposed project's application does not include use for a gas station.
- Chairman Vose deferred the matter on Condition No. 9 to Brian Ludicke.

Brian Ludicke stated that Condition No. 9 as currently drafted is a standard condition that the City has consistently applied to the same types of requests in the recent years since the City's adoption of its most current alcohol ordinance in 2008. There are a number of establishments in the City with licenses that predate the 2008 adoption and they are, therefore, allowed to sell single containers of varying sizes. Brian Ludicke further explained the reasoning behind the establishment of the 40-ounce minimum requirement in the alcoholic beverage ordinance, and the potential effects of amending Condition No. 9. Chairman Vose accounted for all alcohol retail businesses in the area, and identified the different types of alcoholic beverages, such as hard liquor and distilled spirits, that are also available in smaller containers, but are not addressed in the draft conditions.

Vice Chairman Hall moved to table this matter, however, restated his intent to continue the item. Chairman Vose reopened the public hearing in order to allow for a continuance.

It was moved by Vice Chairman Hall and seconded by Commissioner Coronado to continue the public hearing for this matter to the March 16, 2015, Planning Commission meeting.

Vice Chairman Hall clarified his intention for the continuance to allow discussion between staff and the applicant to consider: (1) possible condition on distilled spirits container sizes; (2) applicant's request for 22-ounce containers; and (3) Commission discussion to amend Condition No. 9.

Motion failed for a lack of majority with the following vote (3-3-0-1-0):

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

RECUSED: Commissioner Malhi.  
ABSENT: None.

It was moved by Vice Chairman Hall and seconded by Commissioner Coronado to adopt Resolution No. 15-03 approving Conditional Use Permit No. 14-14. Motion failed for a lack of majority with the following vote (3-3-0-1-0):

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

Failure to approve is deemed denial of the resolution.

Commissioner Malhi returned to the dais. Chairman Vose called for a recess at 7:07 p.m., and reconvened the meeting at 7:12 p.m.

### **3. CONDITIONAL USE PERMIT NO. 15-01**

Chairman Vose opened the public hearing at 7:12 p.m., to hear a request by On the Blvd. LLC, to add Type 20 (off-sale beer and wine) Alcoholic Beverage Control (ABC) license for the primary off-sale of alcoholic beverages at a mini-mart in the Specific Plan (SP) 08-01 zone (Downtown Specific Plan), located at 641 West Lancaster Boulevard.

Commissioner Coronado recused himself from the dais stating that he resides in close proximity to the proposed conditional use permit.

The staff report was presented 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. There were none in the audience who wished to speak in opposition to the request. The applicant was not present to address the Commission. Public hearing closed at 7:17 p.m.

Chairman Vose asked for clarification from staff on the condition limiting the sale of alcohol to manufacturer's beverage packs.

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to adopt Resolution No. 15-04 approving Conditional Use Permit No. 15-01. Motion carried with the following vote (5-1-0-1-0):

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

Commissioner Coronado returned to the dais.

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**CONTINUED BUSINESS**

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**4. TEMPORARY/PROMOTIONAL SIGNS**

Chairman Vose opened to continue discussion of the regulations of temporary/promotional signs.

Based on previous discussions between the Commission and staff on this subject, Brian Ludicke presented the draft standards for the temporary/promotional signs. It was the consensus of the Commission to direct staff to prepare a draft ordinance for Commission consideration to release for public review. Staff will include maintenance requirements in the ordinance, as well as incidental provisions to ensure consistent application of these requirements, including imposing gaps in time to prevent continuous use of temporary signage of any type.

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**DIRECTOR'S ANNOUNCEMENT**

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Brian Ludicke announced the "Curbside Chat" event to be conducted by Chuck Marohn, President and Co-founder of Strong Towns, in Lancaster on Wednesday, March 4, 2015, to be held in the Lancaster City Hall Council Chambers at 6:30 p.m.

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**COMMISSION AGENDA**

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None.

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**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 7:35 p.m., to the Special Meeting for Agenda Review on Monday, March 9, 2015, at 5:30 p.m., in the Public Safety Conference Room, Lancaster 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