

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION July 20, 2020

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*In response to Governor's Executive Order N-29-20, this meeting was conducted telephonically and audio streamed live via GoToMeeting on Channel 28 and the City's website. All votes were taken by roll call.*

### **CALL TO ORDER**

Chairman Vose called the regular meeting to order at 5:00 p.m.

### **INVOCATION**

Chairman Vose.

### **PLEDGE OF ALLEGIANCE**

Vice Chair Smith.

### **ROLL CALL**

Present: Cook, Harvey, Moore, Parris, Smith, Tufts, and Vose.

Absent: None.

Also present were Community Development Manager (Larissa De La Cruz), Assistant City Attorney (Jocelyn Corbett), Senior Planner (Jocelyn Swain), City Engineer (Trolis Niebla), Planner (Cynthia Campana), Planner (Monique Garibay), and Recording Secretary (Danielle Winter).

### **PUBLIC BUSINESS FROM THE FLOOR - AGENDIZED ITEMS**

No emailed comments or public speakers. Chairman Vose stated the Commission had received uncontested letters, which are correspondence from the applicant stating whether they agree or disagree with the proposed conditions. The Commission received an uncontested letter for Agenda Items #5. An uncontested letter was not received for CUP 18-17 and CUP 19-17.

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**MINUTES**

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**1. Approval of Special Minutes of June 22, 2020**

Vice Chair Smith made a motion, and Commissioner Moore seconded the motion for the approval of the minutes for the Special Meeting on June 22, 2020.

The motioned carried with the following vote of (7-0-0-0-0):

AYES: Cook, Harvey, Moore, Parris, Smith, Tufts, and Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

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**CONTINUED PUBLIC HEARINGS**

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**2. Conditional Use Permit No. 17-19**

Senior Planner, Jocelyn Swain, informed the Commission that the applicant had requested for the item be continued to the August 2020 Planning Commission Meeting in order to continue working on the requested changes to the plans.

Chairman Vose asked if there were any emailed comments or callers from the public on the call who wished to speak. There were no comments or callers.

Commissioner Harvey made a motion, and Commissioner Cook seconded the motion to continue Conditional Use Permit No. 17-19 to the August 2020 Planning Commission Meeting.

The motioned carried with the following vote of (7-0-0-0-0):

AYES: Cook, Harvey, Moore, Parris, Smith, Tufts, and Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

**3. Conditional Use Permit No. 18-17**

Senior Planner, Jocelyn Swain, presented the staff report. Imad Aboujawdah, the project's applicant, and Alicia Bartley, an attorney for the project, were available for questions regarding the project. Dillon Tidwell, Circle K's representative, was also available for questions.

Three comment letters had been received by the Commission. Two letters were from attorneys in support of the project. An uncontested letter was not received for the project.

Alicia Bartley, the applicant's representative, stated that she and the applicant agree to all the conditions on the construction and operation of the project. However, they did not agree with staff's recommendation to deny alcohol sales at the site. They believe that findings can be made in support of alcohol sales regarding public necessity and convenience. The project will be a Circle K location, which is a national brand. There are only two other mini-marts within the waiver of distance requirements. They are seeking the ability to operate on the same conditions as the other mini marts in order to be a competitive and successful business. They agreed to limit alcohol sales from 6:00 AM to 2:00 AM and would limit the floor area for alcohol sales. She understood that one of the concerns in that area is homelessness, and the addition of another alcohol sales site could exacerbate the problem. She believed the issue of homelessness would subside as the corner becomes a successful commercial enterprise. In their letter, they have identified conditions of approval that are appropriate for the alcohol sales and the findings they think are in favor of granting the request. Circle K is a well-known brand that the community can count on to enforce the conditions of approval and ensure that the project remains a welcome addition to the community.

Jocelyn Swain responded that the mini-mart is not limited to 5% for alcohol because it is considered a primary off-sale. The square footage limitations are for incidental off-sale. The numbers are at 10% because she requested that they count all the area in the cooler where larger packages can be stored. The Conditions of Approval attached to the resolution for alcohol sales comes straight from the code and limits alcohol sales from 6:00 AM to 12:00 AM.

Commissioner Cook asked if any Circle K's operate without the sale of alcohol. Alicia responded that she was not aware of any that did. Dillon Tildwell, a developer for Circle K, responded that he is not aware of any Circle K's that operate without the sale of beer and wine. The sale of alcohol is integral to the concept of the mini-mart. Customers expect to see certain services and beer and wine is one of those expectations.

Chairman Vose asked for the site plan and elevations. Chairman Vose asked for confirmation that the item had gone to ADC. Larissa De La Cruz confirmed that it does not fall under ADC's purview. Chairman Vose reminded the Commission that it is their responsibility to look at the design guidelines as a whole and not look only at the use for the project. Chairman Vose raised the issue of a couple of items such as an external switch gear for Southern California Edison and an external CO<sub>2</sub> tank along Avenue K, and he does not believe it should be approved with that design.

Chairman Vose also talked about the gas canopy on the elevations, and according to the Design Guidelines, all canopy treatments are required to have similar articulation to what is proposed on the building. Jocelyn Swain stated she was unaware of the requirement. Alicia Bartley stated they would agree to including whatever the need to on the canopy.

Chairman Vose stated he spoke to the City Engineer, Trolis Niebla, regarding Condition #87. Trolis responded that Condition #87 conditions the project to construct the median restricting the left outs from the applicant's property and also the adjacent Clocktower Plaza along 20th Street West. It requires the conversion of the dual left turn lanes which do not allow for U-turns, to allow U-turns moving forward on the inside left turn lane. Signs and signal modifications will push the curb along their frontage by eight feet and restrict the westbound right turn movement to make that

work. Chairman Vose asked if any changes will be made to the speed limits with all the new turning movements. Trolis responded that a speed survey would have to be conducted after the changes have been implemented and the speed would be set at the 85 percentile as required by the vehicle code.

Chairman Vose asked Alicia Bartley about the business plan and how they justify the necessity of the project in a declining market from his point of view. Alicia responded that Circle K had done the research justifying a Circle K in the location. Dillon responded that Circle K started working on this project back in May 2016. He stated it's a hard corner location with access to Avenue K and 20th Street West, and the traffic pattern in the area is what supports the store. A hard corner allows for exposure and offers a convenient opportunity for residents to get goods and services. Chairman Vose asked about the volume shrinkage of their competitors and the finite volume of fuel sales in the area. Dillon stated they don't see it as finite and more people are moving into the Antelope Valley. The proximity to the freeway at this location is seen as a potential for increased business.

Chairman Vose recalled that a Circle K was approved on Sierra Highway and Avenue I which has not been built. Jocelyn stated the only Circle K that has been approved in the City limits is on Division Street and Avenue K which is currently going through Plan Check with Building and Safety. Dillon replied that he did remember a small Circle K as a franchise location. Both the Avenue K and Division Street site and current project will be corporately run.

Alicia Bartley thanked the Commission for their time and consideration. She also commented that the floor plan has an interior roof access and interior electrical room. Dillon responded the CO<sub>2</sub> location is also enclosed.

Commissioner Cook asked for clarification on the two resolutions that are presented to the Commission. Jocelyn responded Resolution No. 20-12 approves the project's development (gas station and mini mart) and Resolution No. 20-13 denies the alcohol use.

Vice Chair Smith made a motion, and Commissioner Parris seconded the motion to adopt Resolution No. 20-12 approving Conditional Use Permit No. 18-17 to allow for the construction and operation of a gas canopy island, car wash facility and a mini-mart in the Commercial Planned Development (CPD) zone at the northeast corner of 20<sup>th</sup> Street West and Avenue K and adopting a Mitigated Negative Declaration. The resolution was modified to include the requested changes regarding the canopy and the electrical equipment.

The motioned failed with the following vote of (3-4-0-0-0):

AYES: Moore, Parris, and Smith.  
NOES: Cook, Harvey, Tufts, and Vose.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

Commissioner Cook made a motion, and Commissioner Moore seconded the motion to adopt Resolution No. 20-13 denying the Alcoholic Beverage Control (ABC) Type 20 License for the off-sale of beer and wine associated with the proposed development in the Commercial Planned Development (CPD) zone at the northeast corner of 20<sup>th</sup> Street West and Avenue K.

The motioned carried with the following vote of (5-2-0-0-0):

AYES: Cook, Harvey, Tufts, Smith, and Vose.  
NOES: Moore and Parris.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

Chairman Vose informed the applicant that they can appeal the Commission's decision by taking the project to City Council.

## **NEW PUBLIC HEARINGS**

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### **4. Conditional Use Permit No. 19-17**

Planner, Cynthia Campana, presented the staff report. The applicant and representative were available for questions. Chairman Vose asked if there were any emailed comments or callers from the public on the call who wished to speak. There were no comments or callers. An uncontested letter was not received from the applicant.

Commissioner Cook asked how emergency personnel will access the location as there is only one way in and one way out. Cynthia responded that there are two driveways. The applicant, Jose Barrera, responded that it is not a one way. The translator for the representative responded that both driveways are accessible by Sierra Highway. The site currently exists with the two driveways.

Commissioner Cook asked if security will be offered all hours or just during entertainment hours. The translator responded that security will be on site during all dining hours.

Kevin Franklin, a representative for the project, spoke on behalf of the project.

Vice Chair Smith asked for clarification on security. Kevin Franklin responded that there is a cost to bona fide security and that the applicant does not always think about the cost. It would be unrealistic to have security on site for all dining hours. During evening hours and hours of entertainment, it would make more sense. Mr. Franklin did not think that security was necessary for all hours of operation as it would become costly. Chairman Vose reminded Mr. Franklin that the Commission, not the Sheriff's Department, sets the hours for hours of operation for 11:00 AM to midnight. The applicant would like to ask to extend the hours of operation to 1:00 AM. However, the applicant understands that the Commission has the authority to set the hours.

Vice Chair Smith asked when the last time a bona fide restaurant operated at the project location. Cynthia replied it was in 2016. Chairman Vose asked if a Type 47 license was approved in the past. Cynthia stated the current project's applicant is the first Type 47 license for the location.

Commissioner Tufts asked if they will have a video surveillance system. Kevin Franklin replied they will have a full camera system inside and outside. Commissioner Parris asked how long the storage life of the camera system will be. Kevin replied that they cameras have not been installed yet. Commissioner Parris asked that data be stored for 30 days. Kevin Franklin stated he did not think that would be a problem.

Commissioner Cook asked if the applicant is willing to have video capability to store for thirty days and also willing to comply with having security during business hours. Kevin responded security would be on site during peak times during dinner hours.

Commissioner Parris made a motion, and Commissioner Moore seconded the motion to Adopt Resolution No. 20-16 approving Conditional Use Permit No. 19-17 to allow a Type 47 (on-sale general eating place) Alcohol Beverage Control License in an approximately 4,091 square-foot restaurant (La Estancia) within an existing building in the Light Industrial (LI) zone located at 42417 Sierra Highway (APN: 3128-008-005 and -006).

The motioned carried with the following vote of (5-2-0-0-0):

AYES: Moore, Parris, Smith, Tufts, and Vose.  
 NOES: Cook and Harvey.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: None.

##### **5. Tentative Tract Map No. 72534 and Conditional Use Permit No. 15-08**

Since there were no emailed comments or public speakers, a staff report was not requested to be heard, Chairman Vose closed the public hearing.

Vice Chair Smith made a motion, and Commissioner Harvey seconded the motion to adopt Resolution No. 20-17, granting a two-year time extension to September 18, 2022, for Tentative Tract Map No. 72534 and Conditional Use Permit No. 15-08 for a residential planned development of 109 single-family lots, 1.17-acre private park, .25-acre paseo and a drainage basin.

The motioned carried with the following vote of (7-0-0-0-0):

AYES: Cook, Harvey, Moore, Parris, Smith, Tufts, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: None.

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**COMMUNITY DEVELOPMENT MANAGER’S ANNOUNCEMENTS**

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Larissa De La Cruz informed the Commission regarding agenda software updates and training that will be coming up.

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**COMMISSION AGENDA**

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None.

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**PUBLIC BUSINESS FROM THE FLOOR – *AGENDIZED ITEMS***

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No emailed comments or public speakers.

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**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 6:30 p.m. to the Special Meeting on Monday, August 10, 2020, at 4:30 p.m., in Lancaster City Hall.

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JAMES VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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DANIELLE WINTER, Recording Secretary  
City of Lancaster