

# MINUTES

---

## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

March 16, 2009

---

### CALL TO ORDER

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

### INVOCATION

Commissioner Burkey did the invocation.

### PLEDGE OF ALLEGIANCE

Vice Chair Smith led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

Present: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.

Absent: Commissioner Ervin.

Also present were the Deputy City Attorney (Joe Adams), Deputy City Manager (Jason Caudle), Planning Director (Brian Ludicke), City Engineer (Carlyle Workman), Recording Secretary (Tess Epling), and an audience of approximately 35 people.

### CONSENT CALENDAR

---

#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Burkey and seconded by Commissioner Malhi to approve the Minutes from the Regular Meeting of February 17, 2009, and Minutes from the Special Meeting of February 18, 2009. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.  
ABSENT: Commissioner Ervin.

---

## CONTINUED PUBLIC HEARINGS

---

### 2. CONDITIONAL USE PERMIT NO. 80-24 (Amended 3)

Chairman Vose opened the public hearing at 6:06 p.m. to hear a request by Greek Orthodox Church of St. Constantine for the following: 1) Review the operation of the Hellenic Center in accordance with Condition No. 20 approved by the Planning Commission on September 17, 2007, and 2) Consider the applicant's request to develop an additional parking area of 60 parking spaces to provide a total of 174 off-street parking spaces on the site to serve the church and existing Hellenic Center located at 43404 N. 30<sup>th</sup> Street West (3.2 acres generally located at the northeast corner of 30<sup>th</sup> Street West and Avenue K-4).

Brian Ludicke presented the staff report. He said that this is an item originally heard in the November 2008 meeting and continued for 90 days to come to a resolution regarding several issues. Staff developed their recommendation that will be presented tonight. Lots of materials from applicant and residents have been presented to the Commission. Details on the positions of parties involved, given the information gathered from several meetings, were also provided. There are physical issues, such as lighting and expansion of the parking lot, and operational issues, essentially the ability of the applicant to manage the onsite operation. Staff prepared a list of proposed conditions for applicant to manage the operation of the Center properly without significant adverse effects on surrounding areas.

Commissioner Jacobs inquired if the recommendation for a maximum of 350 attendees includes additional parking. Brian Ludicke replied that the Center had events with 350 attendees that it had managed by using offsite parking and transit shuttling to the site. Most events fall into the small and moderate sized events, but there are events that number to 300 plus attendees. Some residents pointed out events that had 600 to 700 persons and created issues, and their concern for the effective management given the size of the building. Commissioner Jacobs asked if the additional parking is tied to the 30-day lease on the proposed parking lot, in the eventuality that the lease gets revoked. Brian Ludicke responded that additional parking is not tied to anything at this point. The ratio of 1:3 is the workable standard, which is what the city is using and works for events such as weddings. There have been questions raised for events that draw fewer people per car.

There were speakers in the audience who wished to comment, as follows:

Chris Jones, representing the Center, signified their concurrence to staff's recommended conditions and asked for clarification on Item no. 9 regarding permanent signage, and if it does not apply to temporary directional signs for events. Brian Ludicke answered that the intent was for the Center not to get additional signage for the facility itself. Chairman Vose stated that signage on the public right-of-way is not in the purview of the church, so that would not be an issue that the Commission would deal with. Chris Jones urged the Commission's support for the CUP as recommended by staff and thanked staff for their work.

Bill Koukourikos, representing the church, commented that previous meetings established trust among the neighbors and the church. Based on conversations with staff, the Center made changes to its operation. They provided a photometric study and videos of study to the Commission and staff. By hiring Maria Elena Grado, management style also changed. They spent church funds to follow rules and money allocated for security was a sizeable amount. They concur with the new rules staff proposed. They will continue to be good neighbors and maintain peace with the residents. Commissioner Burkey asked about the applicant's stand on additional parking at this point. The speaker replied that they would like to have at least the first 30 parking slots built. Commissioner Burkey inquired if the goal of additional parking is to manage the existing size of events, to which the speaker answered that they could manage with 350.

Maria Elena Grado, representing the church, stated that she worked on building relations with the residents when she took over. They had a meeting with the residents and had Alcohol & Beverage Control (ABC) talk to them. The facility is being managed efficiently with the hiring of a new banquet manager, and her close direction of the executive chef. There is a binding contract presented to event organizers and rules are enforced. Security is hired for events with more than 118 persons. The banquet hall provides excellent service and cuisine. Their intent is to continue operating as a banquet hall and serve the church members and God. Commissioner Jacobs queried as to how long it has been in place to limit events to 350 people. The speaker answered that since she been there.

Jose Arias, executive chef of the Center, enumerated his qualifications and stated that he was happy to come in. He feels that any facility could be managed appropriately with the right employees. In Lancaster, it is easier to manage events if the rules are known; operation will run smoother and easier, and you learn with experience. He is proud to be part of the Center.

Chairman Vose reminded the speaker to wrap up his comments and noted that the 3-minute timer has not been turned on. As a precedent has been set, the rest of the speakers will then be given an opportunity to speak in the same manner.

Josh Mann, representing Antelope Valley Board of Trade, enjoys having their luncheons and meetings at the Center and voiced his support of its operation. It is an economic development issue, and it has created a premier meeting place for the city, employing caterers, event planners, etc. He urged the Commission to see the importance of the Center and asked for their support.

Roland Prince, representing Prime Security, wants to assure everyone that they are doing a good job securing the facility. They use the information gathered from management to handle issues and bring in the security. They make sure that events are properly controlled. Commissioner Burkey asked the speaker when the company started providing security services to the Center. Roland Prince replied that it has been a year and a half now.

Cecil Swetland, CEO of Desert Christian School and past chairman of AV Chamber of Commerce, said that he attends events at the Center regularly. He commented on the significance and importance of the Center to the community. There is a dearth of these types of facilities in the Valley and requests for the Commission's consideration.

Mayor Emeritus Bishop Henry Hearn stated that he is in favor of the project, and asked what Lancaster would be like without the Center. He supports the Center because it provides good food and it is an excellent facility. He urged the commissioners to consider the approval of the CUP.

Uche Ezeokwelu, representing Parady Security and former Prime Security employee, voiced his support of the Center. He controlled traffic in the area, and studied parking situation and had not noticed any problems. Security has been very good and events are under control. Guests holding a glass or a beverage are not allowed to get past the double doors. All beverages have to be consumed inside the hall. Vice Chair Smith asked if the number of security personnel increases as the event size increases. The speaker answered that even with less than 118 attendees, they still bring in security and more so for juvenile events. He explained that the ratio is 1 security guard for every 50 guests.

Karl Francis, resident of Lancaster, CA, stated his opposition to the project, and read the letter he provided to the Commission. Commissioner Jacobs asked the speaker if the recommendations given by staff are fine with him. He responded that he sees no reason to expand parking because he sees this as escalating into bigger events. Commissioner Jacobs inquired if he would want to reduce the number. Mr. Francis replied that he is just a neighbor and he does not know if 350 is a good number, but has great confidence in the Planning Director's professional judgment. Commissioner Burkey asked the speaker if he realizes that the Director has recommended additional parking, and if his fear is over events growing in size, to which Mr. Francis responded yes.

Ann Durr, resident of Lancaster, CA, stated her opposition to the project. She stated Mr. Joseph Wordsworth is not present but has a letter. Everything she has heard tonight is for the operation of a banquet hall, and is in violation of the CUP. A commercial enterprise encouraging growth in the valley under the auspices of a church is invasive. A large event where alcohol is served invades the neighborhood. She is not in favor of the expansion of the parking area. Vice Chair Smith noted that it was mentioned that things have improved since Maria Elena stepped. The speaker conceded that it has been quieter.

Rich Anderson, resident of Lancaster, CA, stated his opposition to the project, and would like to address the alcohol permit. He cited that there were 5 to 6 people outside his door smoking something that was definitely not tobacco. Security has no control over these types of incidents. He does not want to have the alcohol CUP granted. He agreed that in the last few months, the Center has calmed down with its activity. The City has lack of control over the Center and it has violated the CUP on a daily basis. Vice Chair Smith asked the speaker if he was sure the kids were from events at the Center, to which he replied in the affirmative. Commissioner Haycock then inquired if that incident occurred within the last 5 months, to which the speaker again replied yes.

Chairman Vose said there was opportunity for the applicant to rebut. Maria Elena Grado came forward and explained that they had a meeting with Mr. Wordsworth, and they presented a crime study. The study indicated that crimes in the area were not related to the Center's events.

Chairman Vose closed the public hearing at 7:08 p.m.

Commissioner Burkey stated that he would like clarity on the parking situation and inquired if it was on a month-to-month basis. Brian Ludicke stated that if the additional lot is built, the owner of Prestige Care has the right to cancel the lease with a 30-day notice. Commissioner Jacobs stated that the operating hours are 7 a.m. to 10 p.m. under condition no. 10, and asked if there was a separate condition for operating hours with the sale of alcohol. Brian Ludicke clarified that there are no separate conditions for this. Chairman Vose noted that the permitting process is within the purview of ABC, and the Commission has the authority to set the parameters but the body does not issue the licenses. Commissioner Jacobs explained that he was just asking what the church's policy is. Brian Ludicke replied that the Center closes the bar one hour prior to close of event, based on applicant testimony.

Chairman Vose stated that proposed lighting changes are not really clarified in the conditions of approval. Under the standard conditions, there is a standard for lighting plans. He asked if there will be a review by staff, and applicant will be obliged to conform should there be any proposal on this site. Brian Ludicke stated that the photometric study for the existing parking area will be used as a basis for solution on lot lighting. Staff would prefer for them to have a mutual agreement with neighbors. If expansion is approved, an additional photometric study would be asked as the basis for establishing height for light poles. Chairman Vose iterated that the final configuration still lies with the city.

Vice Chair Smith said that parking is figured at 3 per car, and that is where the issues start. Brian Ludicke explained that it is the best standard used based on the zoning code. Even then, it is still difficult to make a determination because it has been reported that people still park on the street even if onsite parking is available. Vice Chair Smith asked for the possibility of increasing the limit if additional parking is approved. Brian Ludicke clarified that under the zoning code, the Commission has the right to set what it sees as the appropriate parking requirements for a use subject to use permit.

It was moved by Commissioner Burkey and seconded by Commissioner Jacobs to adopt Resolution No. 09-05 approving Conditional Use Permit No. 80-24 Amended 3. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.  
NOES: Commissioner Haycock.  
ABSTAIN: None.  
ABSENT: Commissioner Ervin.

Commissioner Burkey stated that he was appreciative of staff addressing the needs of the Center and the residents. Commissioner Haycock added that it is a difficult decision for her to vote against the project and the expanded parking because she feels badly for the neighbors, although she believes that the Center is attempting to follow the rules.

**3. CONDITIONAL USE PERMIT NO. 07-05**

Chairman Vose opened the public hearing at 7:18 p.m. to hear a request by Kaley Aboul-Hosn for the construction of a 3,327 square-foot carwash with a cashier and waiting area on .71± gross acres located on the northwest corner of Avenue J and 17<sup>th</sup> Street West in the CPD Zone. Commissioner Jacobs recused himself and left the chambers.

There were no speakers in the audience who wished to comment.

Chairman Vose closed the public hearing at 7:20 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Haycock to continue Conditional Use Permit No. 07-05 to the April 20, 2009 public hearing. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock and Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSE: Commissioner Jacobs.  
ABSENT: Commissioner Ervin.

**NEW PUBLIC HEARINGS**

---

**4. CONDITIONAL USE PERMIT NO. 09-01**

Chairman Vose opened the public hearing at 7:25 p.m. to hear a request by Yacoub Husein for a Conditional Use Permit for on-site sale and consumption of alcohol (Type 47, sale of beer, wine and distilled spirits for a bona fide restaurant), the addition of entertainment use, and the future expansion of approximately 3,000 square feet to the existing Casablanca Restaurant in the RC (Regional Commercial) Zone located at 44960 Valley Central Way.

Brian Ludicke presented the staff report. The applicant would like the restaurant to still be the predominant use but would like to have the option of three nights a week for a night club style entertainment. Staff's primary concern is ensuring that the occurrence of underage drinking be limited. Staff is recommending that entry of patrons under the age of 21 to the side of the restaurant used for night club entertainment is restricted after 9:30 p.m. The Sheriff's Department has reviewed staff's recommendation and is satisfied with the conditions.

Yacoub Husein, the applicant and owner of the restaurant, stated that he will have events during the month, specifically Fridays and Saturday, and sometimes on the weekdays. He indicated that he reviewed the conditions of approval and concurred with them. Chairman Vose commented that the layout does not demonstrate how the applicant intends to control the clientele (both under and over 21 years of age) based on the site plan. The speaker explained

that there will be two sections (A and B), and that a wall will be built between them. Patrons get in there from a side door, which goes from the parking lot and straight to Section B. Chairman Vose inquired if staff was satisfied with the explanation. Brian Ludicke responded that if applicant chooses to move to a Phase 2, there will be a need to explore whether there has to be more modifications to the building. Staff has no objection to the idea of customers being able to enter from the other side, and is probably more effective in the sense that patrons of the restaurant and those attending the entertainment events are not mixed together. The applicant would need to bring the other entrance to a more commercial access appearance than it currently is, which also has to conform to meet Fire Code requirements. Chairman Vose reminded the applicant that there is a lot of work involved and that the CUP has a time limit. Yacoub Husein answered that the proposed Section B is empty right now and is for future use.

There were no speakers in the audience who wished to comment.

Chairman Vose closed the public hearing at 7:33 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to adopt Resolution No. 09-07 approving Conditional Use Permit No. 09-01. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Ervin.

## **DIRECTOR'S ANNOUNCEMENTS**

---

The next Special Planning Commission meeting on the General Plan revision is scheduled for Monday, March 23, 2009.

## **COMMISSION AGENDA**

---

Chairman Vose noted that two weeks ago, the mayor asked about the Commission's accomplishments and goals, which he enumerated. The mayor was very complimentary of the body's commitment and hard work.

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

---

None.

**ADJOURNMENT**

---

Chairman Vose declared the meeting adjourned at 7:35 p.m. to Monday, March 23, 2009, at 6:00 p.m., in the Council Chambers for a Special Meeting of the Planning Commission.

---

JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

---

BRIAN S. LUDICKE, Planning Director  
City of Lancaster