

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

September 18, 2006

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### CALL TO ORDER

Chairman Mann called the meeting to order at 7:03 p.m.

### INVOCATION

Commissioner Salazar gave the invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Faux led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

Present: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson, and Chairman Mann.

Absent: None.

Also present were the Deputy City Attorney (Jennifer Yu), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Principal Civil Engineer (Carlyle Workman), Recording Secretaries (Joy Reyes and Tess Epling), and an audience of approximately 68 people.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Troth and seconded by Vice Chairman MacPherson to approve the Minutes of the regular meeting of August 21, 2006. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson, Chairman Mann.

NOES: None.

ABSTAIN: None.

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**CONTINUED PUBLIC HEARINGS**

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**2. ONE-YEAR EXTENSION - TENTATIVE TRACT MAP NO. 053256**

Chairman Mann opened the public hearing at 7:06 p.m. to hear a request submitted by Yoram Hassid ("the applicant") for a subdivision of 102 single family lots on 40± acres located at the northwest corner of 35th Street East and Avenue K.

The staff report was not presented as the applicant was present and provided a letter of 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, and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 7:07 p.m.

It was moved by Commissioner Troth to grant an extension to June 17, 2007, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 02-11. Motion was seconded by Commissioner Salazar. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

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**NEW PUBLIC HEARINGS**

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**3. TENTATIVE TRACT MAP NO. 064922**

Chairman Mann opened the public hearing at 7:07 p.m. to hear a request submitted by Andrew Park for a subdivision of 84 single family lots on 20± gross acres located at the northwest corner of 60th Street West and Avenue K-12.

The staff report was not presented since a letter of agreement to the conditions of approval as stated in the staff report was submitted, there were none in the audience who wished to speak in opposition to the request, and the Commission wished to waive the staff report.

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

It was moved by Commissioner Salazar and seconded by Commissioner Faux to adopt Resolution No. 06-64 approving Tentative Tract Map No. 064922. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**4. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 054199**

Chairman Mann opened the public hearing at 7:10 p.m. to hear a request submitted by Odyssey Homes of California for a subdivision of 170 single family lots on 40± gross acres located on the northeast corner of Avenue H-8 and future 5<sup>th</sup> Street East, in the R-7,000 zone.

The staff report was not presented as the applicant submitted a letter to staff agreeing to the conditions as stated in the staff report, there were none in the audience who wished to speak in opposition to the request, and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 7:10 p.m.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Troth to grant a one-year extension to July 21, 2007, based on the findings contained in the staff report, and subject to Revised Attachment to Resolution No. 03-30. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**5. AMEND ZONING ORDINANCE – MODEL HOMES/ TEMPORARY OFF-SITE  
REAL ESTATE SIGNS**

Chairman Mann opened the public hearing at 7:10 p.m. for the amendment of zoning ordinance for model homes/temporary off-site real estate signs.

Brian Ludicke presented the staff report and clarified that the amendment has been modified to delete the proposed changes at this time to off-site real estate signs so the draft ordinance only deals with the definition of model homes. The current definition is that it is a model unit built to show how a unit in a development will be done and that definition requires that the dwelling unit be within the same subdivision as the unit being offered for sale. The proposal is a modification to that definition that would allow model homes to be used for sales purposes for tracts that are within a 3-mile radius of that model home. The current definition is rigid in what it restricts and providing a 3-mile radius is a better approach. It is a good compromise and will not adversely affect the health, peace, comfort or welfare of residents in the vicinity of those model home units. Staff has recommended that a resolution be adopted recommending that amendment to City Council.

Temporary Off-Site Real Estate Signs was not discussed.

Chairman Mann closed the public hearing at 7:15 p.m.

It was moved by Vice Chairman MacPherson and seconded by Chairman Mann to adopt Resolution No. 06-74 recommending to the City Council approval of an amendment to the zoning ordinance modifying the definition of model homes. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**6. CONDITIONAL USE PERMIT 05-27**

Chairman Mann opened the public hearing at 7:16 p.m. to hear a request submitted by the Agape Church (Reverend T.D. Martin and Calvin Bishop) to construct a church facility, a 16,982 square foot sanctuary, and a 9,000 square foot activity center in the R-7,000 Zone on 10± gross acres located on the southwest corner of Lancaster Boulevard and 18<sup>th</sup> Street East.

The staff report was presented by Silvia Donovan. Present on behalf of the applicants were Pastor George Todd and Reverend T.D. Martin, who expressed their enthusiasm in working with staff on this project and stated that they look forward to moving into the neighborhood and enhancing the area with spiritual vigor. John Svalbe of AV Engineering, engineer of record, addressed the questions posed by Vice Chairman MacPherson regarding the mass of the building and how it should not become overpowering to the neighborhood and passersby.

It was clarified that the project is not multi-phased (buildings will be built simultaneously) and that one of the uses listed was additional classes on-site, which would constitute intensive training for teachers for their Christian education. Christian karate classes are also held.

Chairman Mann closed the public hearing at 7:29 p.m., whereby Commission discussion ensued.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Faux to adopt Resolution No. 06-60 approving Conditional Use Permit No. 05-27, with added condition that applicant work with City staff to provide a revised layout of the church facility modifying the mass of the north elevation by incorporating a layered elevation with lower floor articulation. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**7. TENTATIVE TRACT MAP NO. 060367**

Chairman Mann opened the public hearing at 7:42 p.m. to hear a request submitted by Royal Investors Group for a subdivision for 129 single family lots on 30.0± gross acres located on the northeast corner of Lancaster Boulevard and 37th Street East.

The staff report was presented by Brian Ludicke. Orest Dolyniuk was present on behalf of the applicant and stated agreement to the conditions of approval. There were no speakers in opposition to the project.

Chairman Mann closed the public hearing at 7:46 p.m., whereby Commission discussion ensued.

It was moved by Vice Chairman MacPherson and seconded by Chairman Mann to adopt Resolution No. 06-66 approving Tentative Tract Map No. 060367 with added condition that applicant work with staff to modify map by extending Street "B" from Streets "A" through "E". Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**8. TENTATIVE TRACT MAP NO. 061678**

Chairman Mann opened the public hearing at 7:49 p.m. to hear a request submitted by Royal Investors Group, LLC, for a subdivision for 58 single family lots on 15.14± gross acres located on the southeast corner of Avenue K and future 57th Street West.

The staff report was presented by Silvia Donovan. Orest Dolyniuk was present on behalf of the applicant, stating concurrence to the conditions of approval. A speaker in the audience wished to comment as follows:

Michael Wilson, resident of Lancaster, California, and representing Friends of Prime Desert Woodland, stated that the biological report indicates that the land contains Joshua Tree woodland. He would like to recommend that there be consistency with the City of Lancaster in administering mitigation for the destruction of a threatened habitat as defined by the Department of Fish and Game. He inquired if there are plans by the City to contact any of the 2 agencies that are dealing with conservation and preservation of threatened habitat. He also commented that the project is piecemealing and challenged the City to make some action to define the cumulative impacts of this project in conjunction to other projects that have been approved and work towards a consistent policy on mitigation for this type of land.

Applicant's representative responded that they were aware of the \$770.00 fee, which is to provide for some mitigation in regard to any woodland/environmental features, and that they did not have any objection to the condition.

Chairman Mann closed the public hearing at 7:56 p.m.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Salazar to adopt Resolution No. 06-67 approving Tentative Tract Map No. 061678. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**9. TENTATIVE TRACT MAP NO. 062349**

Chairman Mann opened the public hearing at 7:57 p.m. to hear a request submitted by United Engineering Group for a subdivision for 78 single family lots on 20.56± acres located on the northeast corner of 20<sup>th</sup> Street East and Avenue H-12.

The staff report was not presented as the applicant submitted a letter to staff agreeing to the conditions as stated in the staff report, there were none in the audience who wished to speak in opposition to the request, and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 7:58 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Troth to adopt Resolution No. 06-68 approving Tentative Tract Map No. 062349. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**10. TENTATIVE TRACT MAP NO. 063282**

Chairman Mann opened the public hearing at 7:59 p.m. to hear a request submitted by American Premiere Homes for a subdivision for 177 single family lots on 47.2± gross acres located on the northwest corner of Avenue I and 40<sup>th</sup> Street West.

The staff report was presented by Silvia Donovan. Dean Paradise, representing the applicant, commented that the project has a tremendous amount of offsite improvements on Avenue I and 40<sup>th</sup> Street, e.g. improvement of Avenue I with a double turn pocket, drainage culvert for the major channel that goes under 40<sup>th</sup> Street, installation of a traffic signal requirement and construction of off-site trunk sewer that is over a mile along Avenue H-8. There is a tremendous amount of money that has to be put up front just for the construction of the first traffic light so applicant would like to request the Commission to consider an offer of a condition to have the construction of offsite improvements be phased based upon occupancy of lots with the phasing plans submitted to the City and subject to approval of the Director of Public Works. Applicant also wanted clarification that the traffic signal impact fees would be credited toward that traffic signal. Carlyle Workman responded that upon completion and acceptance with the traffic signal, applicant would then be eligible for credit up to 100% of the traffic impact signal fee for the 2 subject tracts. Carlyle also emphasized that the conditions stand and are not open for discussion and that the Director of Public Works has made it clear to builders in a letter dated April 2006.

There was a speaker in the audience who wished to comment as follows:

Michael Wilson, resident of Lancaster, California, and representing Friends of Prime Desert Woodland, said that this area of land being developed is also sensitive for alkaline mariposa lily. He would like to make sure that this area of land is also being checked for study by staff. He opined that this parcel and the parcel identified in Agenda Item No. 11 clearly show an evident piecemealing effect and this reduces environmental impact and avoids complications from environmental review. Brian Ludicke responded that a single Initial Study was prepared for both of these tracts in keeping with the intent of CEQA to not piecemeal. The single Initial Study was sent to the State Clearinghouse and other agencies that would comment regarding the biological study. The City did not receive any comments so the City has fulfilled its obligation.

Chairman Mann closed the public hearing at 8:10 p.m., whereby Commission discussion ensued. Chairman Mann reiterated what Carlyle mentioned earlier that responsibilities of complying with conditions of mitigation should be understood by builders and developers who want to come to Lancaster.

It was moved by Commissioner Salazar and seconded by Vice Chairman MacPherson to adopt Resolution No. 06-69 approving Tentative Tract Map No. 063282. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**11. TENTATIVE TRACT MAP NO. 063283**

Chairman Mann opened the public hearing at 8:11 p.m. to hear a request submitted by American Premiere Homes for a subdivision for 85 single family lots on 20.3± gross acres located at the northeast corner of 42<sup>nd</sup> Street West and Avenue I.

The staff report was presented by Silvia Donovan. Dean Paradise was present on behalf of the applicant, stating agreement to conditions of approval as stated in the staff report. He also requested consideration to phase improvements based on the amount of off-site construction to allow occupancy during some phases of the off-site work. There were none in the audience who wished to speak.

Chairman Mann closed the public hearing at 8:20 p.m. Vice Chairman MacPherson commended staff for looking for how these potential developments might fit together. Commissioner Troth seconded and agreed with Vice Chairman MacPherson's comments.

It was moved by Commissioner Troth and seconded by Vice Chairman MacPherson to adopt Resolution No. 06-70 approving Tentative Tract Map No. 063283. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**12. TENTATIVE TRACT MAP NO. 064753**

Chairman Mann opened the public hearing at 8:20 p.m. to hear a request submitted by Chris Canaday for a subdivision for 37 single family lots on 9.17± gross acres located on the northeast corner of Challenger Way and Kettering Street.

The staff report was not presented as the applicant submitted a letter to staff agreeing to the conditions as stated in the staff report, there were none in the audience who wished to speak in opposition to the request, and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 8:21 p.m.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Salazar to adopt Resolution No. 06-71 approving Tentative Tract Map No. 064753. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**13. TENTATIVE TRACT MAP NO. 065186**

Chairman Mann opened the public hearing at 8:21 p.m. to hear a request submitted by Pacific Land Company for a subdivision for 73 single family lots on 17.7± gross acres located on the northeast corner of Avenue J and future 42<sup>nd</sup> Street West.

The staff report was not presented as the applicant submitted a letter to staff agreeing to the conditions as stated in the staff report, there were none in the audience who wished to speak in opposition to the request, and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 8:22 p.m.

It was moved by Commissioner Salazar and seconded by Chairman Mann to adopt Resolution No. 06-72 approving Tentative Tract Map No. 065186. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**14. TENTATIVE TRACT MAP NO. 066539**

Chairman Mann opened the public hearing at 8:23 p.m. to hear a request submitted by Mojave Merchant LTD for a 9-lot industrial subdivision for a Planned Unit Development (PUD) creating 8 building units and common Lot "A" to accommodate landscape, ingress, and egress on 3.07± gross acres southwest corner of Avenue K-6 and Gingham.

The staff report was not presented as the applicant submitted a letter to staff agreeing to the conditions as stated in the staff report, there were none in the audience who wished to speak in opposition to the request, and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 8:23 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Troth to adopt Resolution No. 06-73 approving Tentative Tract Map No. 066539. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

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## **NEW BUSINESS**

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### **15. DISCUSS REQUIREMENTS FOR MOBILE HOME PARK CONVERSION**

Chairman Mann opened the public hearing at 8:24 p.m.

Brian Ludicke stated that at the last meeting, staff was directed by the Planning Commission to bring back this agenda item so that the Commission can take some action, if so desired. The State Planning and Zoning Law as well as the State Subdivision Map Act already contain within them certain provisions and protections if someone wants to convert a mobile home park into another use or if a rental mobile home park would be converted to a condominium. There are cities that have adopted ordinances that contain additional procedural requirements and provisions that give more clarity to the more general provisions in the State Law. The State Law does not ever really say that a person can be denied the opportunity to go out of business. It states that as a local agency, a report may be required stating what the impact of the conversion would be and that mitigation requirements such as relocation be provided.

There was a speaker in the audience who wished to comment as follows:

Ray Chavira of Lancaster, California, handed a printout to the Commission and staff, which contains a memo written by the speaker to the Commission and a letter from Sen. Dunn, who has been a champion for mobile-home owners' rights in California. He also urged the City to create a conversion ordinance similar to the one created by Palmdale 10 years ago.

Chairman Mann closed the public hearing at 8:36 p.m. Chairman Mann commented that the City has a moral obligation to mobile home park residents to make mandatory requirements to protect long-time residents, specifically senior citizens. He said that time is of the essence to direct staff to draft a strong conversion ordinance as the City moves toward a General Plan update. Vice Chairman MacPherson stated that a conversion ordinance would bring consistency to ensure that everyone is treated equitably. Brian Ludicke responded that the matter will be referred further to the City Attorney.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Salazar to make a recommendation to direct staff to begin ordinance preparation for mobile home park conversion. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,  
Chairman Mann.

NOES: None.

ABSTAIN: None.

**COMMISSION AGENDA**

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None.

**DIRECTOR'S ANNOUNCEMENTS**

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None.

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

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None.

**ADJOURNMENT**

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Chairman Mann declared the meeting adjourned at 8:45 p.m. to Monday, October 9, 2006, at 5:30 p.m., in the Planning Conference Room.

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KENNETH G. MANN, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster