

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

August 21, 2006

CALL TO ORDER

Chairman Mann called the meeting to order at 7:08 p.m.

INVOCATION

Commissioner Salazar gave the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Troth 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 (Doug Evertz), Principal Planner (Silvia Donovan), Principal Civil Engineer (Carlyle Workman), Recording Secretaries (Joy Reyes and Tess Epling), and an audience of approximately 44 people.

CONSENT CALENDAR

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 July 17, 2006, and of the Special Joint Meeting of August 16, 2006. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

2. 06/07 CAPITAL IMPROVEMENTS PROJECTS

It was moved by Commissioner Salazar and seconded by Commissioner Faux to approve the finding that the list of projects adopted under the Capital Improvement Project is consistent with the overall General Plan of the City.

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

NOES: None.

ABSTAIN: None.

CONTINUED PUBLIC HEARINGS

3. TENTATIVE PARCEL MAP NO. 061949

Chairman Mann opened the public hearing at 7:14 p.m. to hear a request submitted by Rafael and Aida Torres (“the applicants”) for a subdivision of three single family lots on 10.08± gross acres located on the southwest corner of Avenue K and future 106th Street West.

The staff report was presented by Silvia Donovan. The applicants were present, and were in agreement with all the conditions as stated in the staff report.

Chairman Mann closed the public hearing at 7:13 p.m., whereby Commission discussion ensued.

It was moved by Vice Chairman MacPherson to adopt Resolution No. 06-61 approving Tentative Parcel Map No. 061949. Motion was seconded by Commissioner Troth. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

NEW PUBLIC HEARINGS

4. ONE YEAR EXTENSIONS**a. TENTATIVE TRACT MAP NO. 53256**

Vice Chairman MacPherson opened the public hearing at 7:18 p.m. to hear a request submitted by Yoram Hassid for a Subdivision of 102 single family lots on 40± gross acres located at the northwest corner of 35th Street East and Avenue K.

The staff report was presented by Brian Ludicke who clarified the issue of the additional condition to revise the map with a redesign to connect two cul-de-sacs streets in order to create a better grid layout for the project. Mr. Ludicke also stated that the applicant presented a letter dated August 21, 2006, requesting for a continuance. If the request is granted, applicant would be required to provide another set of mailing labels and fee to re-notice. Mr. Ludicke also reiterated that staff recommendation will not change regardless of extension being granted.

A letter of acceptance of the conditions of approval was received from applicant, and Yigal Hassid of Beverly Hills, California, was present on behalf of the applicant. He commented that the conditions were not received until Friday, August 18, 2006, due to miscommunication with the project engineer, and that the purpose of the request for continuance is to provide the applicant with additional time to review the conditions.

Chairman Mann closed the public hearing at 7:23 p.m., whereby Commission discussion ensued.

Vice Chairman MacPherson empathized with the applicant and moved to grant an extension of this map to September 18, 2006. 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.

b. VESTING TENTATIVE TRACT MAP NO. 060057

Chairman Mann opened the public hearing at 7:29 p.m. to hear a request submitted by Pacific Communities Builder, Inc., to grant a 60-day extension for a subdivision of 300 single family lots on 120± gross acres located on the southeast corner of Avenue L-8 and 80th Street West.

The staff report was presented by Silvia Donovan. John Jacob of JT Engineering, present on behalf of applicant, stated agreement to the extension. 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 7:32 p.m., whereby Commission discussion ensued.

It was moved by Commissioner Troth and seconded by Commissioner Faux to grant a 60-day extension to October 16, 2006, in order to determine necessary mitigation measures through the environmental review process. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

c. TENTATIVE TRACT MAP NO. 060238

Chairman Mann opened the public hearing at 7:32 p.m. to hear a request submitted by Ben Sayani to grant a one-year extension for a subdivision for 37 single family lots on 10± gross acres located on the northwest corner of 30th Street West and Lancaster Boulevard.

The staff report was not presented as the applicant submitted a letter to staff agreeing to the conditions as stated in the staff report. Frank Alba, present on behalf of applicant, also stated agreement to the extension. There was a speaker in the audience who wished to comment, as follows:

Slavica Ilic of Lancaster, California, expressed concerns regarding the pile of dirt on site located directly across from her house, and requested that it be moved away from the residential area.

Carlyle Workman stated that the dirt is not associated to this project, but is actually on the adjacent tentative map.

Chairman Mann recommended that the speaker file a formal complaint by completing a form and/or contacting the applicant directly.

Chairman Mann closed the public hearing at 7:38 p.m., whereby Commission discussion ensued.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to grant a one-year extension to July 19, 2007, based on the findings contained in the staff report, and subject to the revised attachment to PC Resolution No. 04-43. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

d. TENTATIVE PARCEL MAP NO. 061184

Chairman Mann opened the public hearing at 7:39 p.m. to hear a request submitted by Desert Vineyard Christian Fellowship to grant a one-year extension to combine five lots into one common lot on 13± gross acres located on the northeast corner of Challenger Way and Avenue I.

The staff report was presented by Brian Ludicke. A letter of acceptance of the conditions of approval was received from the applicant, however, the applicant was not present. There were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:41 p.m., whereby Commission discussion ensued.

Vice Chairman MacPherson expressed his disappointment on the absence of the applicant. Chairman Mann and the other commissioners concurred. Vice Chairman MacPherson also wished to remind the applicant that in accordance to Item No. 3, the applicant's building cannot be occupied until the tentative tract map is recorded.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Troth to grant a one-year extension to June 21, 2007, based on the findings contained in the staff report, and subject to the revised attachment to PC Resolution No. 04-41. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

5. TENTATIVE TRACT MAP NO. 061749

Chairman Mann opened the public hearing at 7:43 p.m. to hear a request submitted by Hooshang Harooni for a subdivision of 14 single family lots on 3.13± gross acres located on the east side of Genoa Avenue approximately 415 feet north of Avenue J, in the R-7,000 zone.

The staff report was presented by Brian Ludicke. Mr. Ludicke reiterated the requirement to provide a permanent block wall to accommodate the necessity for grading and constructing new retaining walls. A letter of acceptance of the conditions of approval was received from applicant, and Barry Munz, present on behalf of applicant, is in agreement. There was a speaker in the audience who wished to comment, as follows:

Sharla Sanchez, representing Desert Montessori Academy, expressed concerns regarding the construction of the permanent block as this has been used as an additional outlet from their facility by parents and faculty.

Barry Munz stated that the access currently used by Desert Montessori Academy constitutes as trespassing. Though convenient to use, the school has no legal access rights to the adjacent lot.

Chairman Mann closed the public hearing at 7:51 p.m., whereby Commission discussion ensued.

Carlyle Workman explained that project of this size is not required by the AVAQMD to prepare a special dust control plan. This project will only require standard dust control measures imposed by the City. If dust problem persists, the homeowners can report the problem to the City, and the inspectors will then contact the builder to address the issue.

It was moved by Commissioner Salazar and seconded by Commissioner Faux to adopt Resolution No. 06-61 approving Tentative Tract Map No. 061749. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

6. TENTATIVE TRACT MAP NO. 064752

Chairman Mann opened the public hearing at 7:55 p.m. to hear a request submitted by RI Properties for a subdivision for 8 single family lots on 5± gross acres located on the southeastern corner of Avenue M-4 and future 35th 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 7:57 p.m., whereby Commission discussion ensued.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Troth to adopt Resolution No. 06-62 approving Tentative Tract Map No. 064752. 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. 064877

Chairman Mann opened the public hearing at 7:58 p.m. to hear a request submitted by 26 Palms, LLC for a subdivision for 41 single family lots on 9.42± gross acres located on the northeast corner of 20th Street East and Nugent Street.

The staff report was presented by Silvia Donovan. Karl Mallick of CCL Engineering, present on behalf of applicant, and was in agreement to the conditions as stated in the staff report. A letter of acceptance of the conditions of approval was received from applicant. There were speakers in the audience who wished to comment as follows:

The mitigation measures are burrowing owl survey and soil surface sampling prior to grading.

Speaker Kevin Tyler of K and K Real Estate Development is concerned about the neighborhood developing as Section 8 Housing, and would like to get some clarification.

Chairman Mann clarified some common misconception about the Section 8 Housing Program by stating that no particular project could be built by a developer on a tentative tract map for a subdivision where it would be exclusively for a Section 8 Housing project. Chairman Mann further explained how Section 8 Housing works: the County issues vouchers individually to people; the recipients of the vouchers locate a property owner of a house or apartment who would be willing to accept the voucher; the voucher recipient would then give up their voucher to the property owner, thus, the property owner enters into a form of an agreement with the County, such as a lease agreement.

Brian Ludicke declared that the key point is that the Section 8 voucher program is not specific to any particular development. It is a federal program that is run by the Department of Housing and Urban Development (HUD), which essentially consists of a voucher that is issued by an authorized housing authority such as the Los Angeles County Housing Authority. There is a provision in the program known as portability, whereby if an individual is issued a voucher by a valid Housing authority somewhere else in the United States, that individual could use that voucher anywhere within the United States. Although the Los Angeles County has stringent set of standards, HUD has not done a good job establishing good criteria for granting Section 8 vouchers. Therefore, there are situations where people who have been issued vouchers by other housing authorities, where background check requirements are not as strict, have come and used the vouchers within the Antelope Valley area.

Speaker Kevin Tyler wished to pose the same question to the developer if the intended development is for a Section 8 Housing.

Orest Dolyniuk, representing the applicant, 26 Palms, LLC / Royal Investors, addressed Mr. Tyler's inquiry by stating that the applicant's intent with this map is to get it approved and ultimately bring in a national home builder, such as KB Homes or Pulte, and to develop the project as a single family residential neighborhood.

Toni Cyrana completed a speaker slip, however, felt that her questions have been addressed based on the discussion between the staff, the applicant, and other speakers.

Speaker Sandra Canada expressed concerns about the development being low income and asked what the price range would be for the homes.

Chairman Mann reiterated that the request for approval for a tentative map is for the applicant's conceptual idea of how the lots would be laid out. Therefore, it would be difficult to speculate on the value of the homes.

Speaker Arthur Johnson asked for contact information for the developer, and inquired if the builder would post a sign once a housing project is in place.

Chairman Mann restated the position of the developer as taking the first step into acquiring the approval of the tentative tract map, and re-clarified the process.

Chairman Mann closed the public hearing at 8:18 p.m., whereby Commission discussion ensued.

Commissioner Troth stated that he spoke to the City Attorney at the study session prior to the meeting, and cleared Commissioner Troth from being abstained.

Vice Chairman MacPherson commended the people who, with an interest in their neighborhood for a good quality of life, attended the meeting and took part in the process. Vice Chairman MacPherson also shared his strong interest in seeing the good quality of life maintained in all neighborhoods, and encouraged everyone to share this message with others in their neighborhood, and to voice out their ideas by taking part in the development of the City, such as the General Plan.

It was moved by Commissioner Faux and seconded by Vice Chairman MacPherson to adopt Resolution No. 06-63 approving Tentative Tract Map No. 064877. 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. 064922

Chairman Mann opened the public hearing at 8:21 p.m. to hear a request submitted by Andrew Park for a subdivision for 88 single family lots on 20± gross acres located on the northwest corner of 60th Street West and Avenue K-12.

Staff recommended continuing this case to the September 18, 2006, in order to allow time to review a redesign of the map to accommodate a proposed general plan amendment to change the adjacent zoning south of the project to commercial.

Chairman Mann closed the public hearing at 8:23 p.m., whereby Commission discussion ensued.

It was moved by Commissioner Salazar and seconded by Commissioner Troth for a continuance to September 18, 2006, of the 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.

9. TENTATIVE TRACT MAP NO. 065520

Chairman Mann opened the public hearing at 8:24 p.m. to hear a request submitted by Global Investments and Development, LLC, for a subdivision for 34 single family lots on 10± gross acres located on the southeast corner of Avenue I and future 37th 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 8:25 p.m., whereby Commission discussion ensued.

It was moved by Commissioner Troth and seconded by Vice Chairman MacPherson to adopt Resolution No. 06-65 approving Tentative Tract Map No. 065520. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

COMMISSION AGENDA

Commissioner Troth initiated discussion regarding trash and debris at construction sites, and inquired whether this has been addressed since the last study session. Carlyle Workman stated that the City Senior Subdivision Project Inspector, Roy Kellogg, has conferred with all inspectors to ensure that efforts are made to keep job sites clean.

DIRECTOR'S ANNOUNCEMENTS

None.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

Speakers Anthony Walker and Ray Chavira expressed concerns regarding possible conversion or closure of the mobile home park in which they currently reside, and asked that the City adopt a more stringent ordinance in order to protect mobile home park residents. Chairman Mann requested that the discussion of mobile home park conversion requirements and ordinance be added as an item on the September 18, 2006, agenda.

ADJOURNMENT

Chairman Mann declared the meeting adjourned at 9:54 p.m. to Monday, September 11, 2006, at 5:30 p.m., in the Planning Conference Room.

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN LUDICKE, Planning Director
City of Lancaster