

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

November 16, 2009

CALL TO ORDER

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

INVOCATION

Pastor John Meadors, Christian Life Assembly, 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, Harvey, Haycock, Jacobs, Vice Chair Smith, and Chairman Vose.

Absent: Commissioner Malhi.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), and Recording Secretary (Joy Reyes).

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Burkey and seconded by Commissioner Smith to approve the Minutes from the Regular Meeting of October 19, 2009. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

CONTINUED PUBLIC HEARINGS

2. Tentative Tract Map No. 67591

Chairman Vose opened the public hearing to hear a request by Parviz Davani for a subdivision for 7 single family lots in the SRR Zone located on 4.70+ gross acres located on the northeast corner of future Avenue M-14 and 45th Street West.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to adopt Resolution No. 09-29 approving Tentative Tract Map No. 67591. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

NEW PUBLIC HEARINGS

3. One-Year Extensions

a. Conditional Use Permit No. 05-19

Chairman Vose opened the public hearing to hear a request by Investment Concepts, Inc., for construction of an 118,104 square-foot self-storage facility; consisting of four buildings of varying sizes and an apartment for an on-site manager in the CPD Zone located on 3.38+ acres on the west side of 20th Street West approximately 370 feet north of Avenue K.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

Brian Ludicke indicated that the applicant's representative, Barbara Schultz, was present.

It was moved by Commissioner Harvey and seconded by Commissioner Harvey to grant a one-year extension to October 16, 2010, based on the findings contained in the staff report and subject to modified Condition No. 3, and added Condition Nos. 22-23, and all other previously approved conditions. Silvia Donovan had indicated that added conditions were modified from "Condition Nos. 17-20" to "Condition Nos. 22-23". Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

Chairman Vose asked Ms. Shultz if she had accepted the modifications as stated, and she responded that she was not aware of the modifications and wished to speak. Chairman Vose then re-opened the public hearing, and invited her to address the Commission. Barbara Schultz approached the podium and commented that she did not understand what Silvia Donovan had stated. Therefore, Mrs. Donovan clarified the conditions in detail, and Mrs. Shultz replied that she understood.

Chairman Vose closed the hearing with the previously approved vote.

4. Conditional Use Permit No. 09-06

Chairman Vose opened the public hearing to hear a request by Insite Development for an incidental off-sale alcoholic beverage establishment (Alcohol Beverage Control Type 20, Off-Sale Beer and Wine) in a 1,620 square-foot convenience market located at 45024 10th Street West, Suite 103.

Chairman Vose requested the reading of the staff report. Brian Ludicke presented the staff report, and a PowerPoint presentation by the applicant.

The public hearing opened at 6:11 p.m.

The applicant representative, Rick Gutierrez, addressed the Commission stating that the purpose of the convenience market was to provide services primarily for the senior citizens in the area. He stated that a survey was done with the senior citizens to supply the needs requested by that community. Mr. Gutierrez conducted the PowerPoint presentation, stating that the objectives and benefits of this project are to provide affordable and convenient retail products, improve the retail presence along 10th Street West with a highly visible retail convenience market primarily for seniors, and create a self-sustaining business model that will perpetuate tax revenues and create jobs. The floor plans of the market were displayed.

Commissioner Burkey asked if the survey only included the community for the seniors, and how many were surveyed. Rick Gutierrez stated 300 surveys were sent out and approximately 100 responded. Commissioner Burkey inquired how many out of the 100 surveyed responded that alcohol was important. Mr. Gutierrez replied that alcohol had not been included in the survey questionnaire.

Commissioner Jacobs commented he noticed that the applicant's request was changed from an Alcohol Beverage Control Type 21 to Type 20. Commissioner Jacobs asked Rick Gutierrez if he thought alcoholic beverages were also an important part of that model. Mr. Gutierrez responded

that he did not, and that it was more of a forward-thinking plan; he compared a popular mix, such as a margarita mix, as opposed to wine, and at the end determined that beer and wine was all they needed. Commissioner Jacobs stated that from what he gleaned from Mr. Gutierrez to say was alcoholic beverages may not be important to the residents there, but that he felt it is important to allow the store to maintain its business, to which Mr. Gutierrez responded in the affirmative. Commissioner asked what kind of alcohol beverages would be sold, and in what type of packages. Mr. Gutierrez replied that beer traditionally would be sold in six-packs and twelve-packs; there would be no individual bottles sold, which he defined as anything under a six-pack. He added they definitely did not want the store to become a detriment to the property, and it was the owner's desire that it elevates the property and makes a good addition to the property. Commissioner Jacobs cited Mr. Gutierrez' statement of excluding the sale of individual containers, however, he pointed out that there are definitely single containers that constitute more than a 12-ounce; for example, a 16-ounce can. Commissioner Jacobs asked about units that are not designed to be sold in packages, such as a 40-ounce unit. Mr. Gutierrez responded that he would not carry those. Commissioner Jacobs asked if Mr. Gutierrez would be willing to make that a part of the conditional use permit. Mr. Gutierrez replied it would not be a problem, and the conditional use permit would be changed to that effect.

Chairman Vose dispersed copies to the Commission and Rick Gutierrez of added items related to Section 17.42.080 K of the Alcohol Beverage Conditions, and expressed his concerns of the listing. The Commission discussed in length concerning the restrictions of which alcoholic beverages or mixers, and single containers would be sold in the convenience store. Chairman Vose also voiced concerns of parking, loading and unloading, according to the plan presented. Due to multiple questions concerning the site plan of the convenience store, Chairman Vose advised Mr. Gutierrez that he would leave the hearing open to allow Mr. Gutierrez to review the plans, and approach the Commission towards the end of meeting to address the issues.

Brian Ludicke expounded on the display of the site plan/parking for the convenience store in reference to the residents' access to the store. Chairman Vose asked if there were any more comments that needed to be addressed concerning the item.

The Commission continued to hear the subsequent items on the agenda. Chairman Vose recalled Rick Gutierrez at 5:31 p.m., stating the hearing on this matter was still open.

Mr. Gutierrez reported to the Commission that he had spoken with the property owner who stated there is ample retail parking space on the eastside of the property line that can be allocated specifically for loading and unloading for the market.

Brian Ludicke stated that in viewing the project five years prior, given the size and scale of commercial tenants, large-scale loading was not expected at that time. He advised that the subject item should be evaluated. Chairman Vose asked if this should be a matter to continue due to the request of an evaluation. Mr. Ludicke stated the previous concerns of the alcohol sale and other factors should be reviewed for a six-month period of time, and follow-up to note if any problems occurred. He stated the applicant and property owner have a long-term commitment at that location, as well as other parts of the community; if there would be a problem, their record indicates it would likely be resolved in a timely manner.

Rick Gutierrez stated that it has not been anticipated that this market would have high volume of sales. He added that the types of vendors and providers are smaller-type; therefore, huge trucks and large deliveries are not anticipated.

Chairman Vose commented the reality of vendor delivery is standardized. He shared the Commission's concern of the clientele, tenants of the community, and the signage meeting the current sign ordinances of the City.

Commissioner Haycock asked the applicant what the expected date of the opening was for the market. Rick Gutierrez responded they are working to open the market within six months.

Chairman Vose closed the public hearing without objection, and stated there was a recommendation before the Commission, and opened the item for discussion. Vice Chair Smith reiterated the Commission's concern regarding the alcohol content and percentage, and provided a list of typical numbers for alcohol content and percentage. Chairman Vose commented from the suggested list received from the applicant, that the conditional use permit to limit the sale of beer beverages or malt liquor beverages that exceed anything over five percent would be restricted or not allowed. Chairman Jacobs injected there were alcohol restrictions in California that revolved around naming or labeling it as malt liquor; it was more on the percentage than how the alcoholic beverage is made. He stated placing a number down might unfairly limit sales of beverages that may be appropriate. Vice Chair Smith added that brand names were not to be listed, as advised by the Deputy City Attorney. Discussion ensued concerning the sale of alcohol beverages (e.g. beer, wine coolers) as singles. Commissioners Haycock and Harvey suggested reviewing the matter over a period of time. Chairman Vose agreed to review the item in 30 days. He stated it would give the applicant some time to review, and Planning Staff to prepare another staff report. Commissioner Burkey asked Brian Ludicke if a 30-day delay would be a problem for the applicant to proceed with his business. Mr. Ludicke responded it would not be a problem, and Chairman Vose suggested to Mr. Ludicke that the Planning Staff conduct a 3-month review or evaluation.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to continue Conditional Use Permit 09-06 to the Planning Commission's regular meeting of December 21, 2009. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

5. Conditional Use Permit No. 09-07

Chairman Vose opened the public hearing to hear a request by Vintages Wine Room at the Lofts Gallery to incorporate into the Arbor Loft's Art Gallery a wine room that would offer

wine tasting and wine sales in SP 08-01 (Downtown Lancaster Specific Plan); the required alcohol license would be a Type 20 (off-sale beer-and-wine to purchase), and a Type 42 (on-sale beer-and-wine wine tasting).

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request. Chairman Vose stated that the applicant had previously been before the Commission, and is now in a different location that had been approved, and, therefore, is relocating.

It was moved by Commissioner Jacobs and seconded by Vice Chair Smith to adopt Resolution No. 09-32 approving Conditional Use Permit No. 09-07. Motion carried with the following vote (6-0-0-1):

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

6. Conditional Use Permit No. 09-10

Chairman Vose opened the public hearing to hear a request by The Rusten House LLC for on-site sale and consumption of alcohol (Type 47, sale of beer, wine and distilled spirits for a bona fide restaurant) for The Rusten House located at 43953 15th Street West.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request. Chairman Vose asked Lorena Green, the applicant, if she wished to address the Commission. Lorena Green stated that she and her family had been in service in the Antelope Valley for 40 years, and they would continue to provide good Mexican food in a family atmosphere.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to adopt Resolution No. 09-34 approving Conditional Use Permit No. 09-10. Motion carried with the following vote (6-0-0-1):

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

7. Tentative Tract Map No. 61246

Chairman Vose opened the public hearing to hear a request by Royal Investment Group for a subdivision for 131 single family lots in the R-7,000 and O Zones located on 40+ gross acres on the northeast corner of 40th Street East and Avenue J-8.

Chairman Vose requested the reading of the staff report. Silvia Donovan presented the staff report. She concluded that based on the lack of progress or refusal to withdraw the project, the Planning Staff was unable to complete the environmental review and make any findings.

Larry McPeak spoke in favor of the denial of Tentative Tract Map No. 61245. Mr. McPeak is the President of the Homeowner's Association for Rancho Tierra Del Sol that is located adjacent to the development between 40th Street West and 35th Street West, Avenue K and Avenue J-8. He stated that a nearby high school recently had an extensive environmental study conducted before being developed. He added that the association had the opportunity to review their findings of a dry riverbed, and there were other dry riverbeds that could affect the area for this development. He suggested the development be assessed, because native plants and animals were found living where the high school was located. He also added that agriculture has been developed in that area over the years. He stated that there were chemicals that had been used, although he was not sure which ones. He reiterated that it should be considered in the environmental report, which he felt was a very important element of approval before any development is established. He stated that there were schools near the area, namely Lancaster Baptist and Eastside High School that were recently constructed. He stated that there is a new school across the street to be developed in the next three years. Mr. McPeak stated those schools should be considered at the time the permits for sidewalks and larger walking areas are issued. He concluded that there had been other considerations for their subdivisions, such as past proposals for a horse community. Mr. McPeak thanked the Commission for their consideration and proposed that the permit be denied.

Arden Hughes lives at 44007 40th Street East, which is directly across the street from the proposed development. Mr. Hughes stated he had questions, but due to the fact that the applicants were not present to answer his questions, he asked the Commission if he could do so at a later time. Chairman Vose advised Mr. Hughes that the map was being recommended for denial, and if the applicants appealed to the Commission to conduct their presentation at a later time, he was welcome to attend and ask his questions at that time.

Public hearing was closed at 6:55 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Jacobs to adopt Resolution No. 09-33 denying Tentative Tract Map No. 61246. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

NEW BUSINESS

8. Initiate Zoning Ordinance Modification

Chairman Vose opened the public hearing to hear a request by the Planning Department to initiate zoning ordinance modifications citywide.

Brian Ludicke stated that under the City Zoning Code, it is either the City Council or the Planning Commission that is required to initiate changes to the current zoning regulations. He requested that two potential modifications be initiated. The first would be to allow small-scale wind turbines in the commercial and industrial zones. The second would be to allow solar power plants in rural residential zones subject to a conditional use permit. Mr. Ludicke stated that numerous inquiries had been received recently concerning further outlying areas, and the majority of the areas are designated on the General Plan as non-urban areas. He stated the zoning classification was RR-2.5, which is the City's least dense classification in places where there are large parcels. He added that in some cases, there were sites that were previously proposed for subdivisions in urban residential densities that were not accommodated in the City's recent General Plan update. Mr. Ludicke stated the City was obtaining inquiries from companies who may be interested in the construction of photovoltaic generation sites. He stated that the City currently allows solar energy type plants in light industrial and heavy industrial zones only. He added this would give another option, particularly if sites are located along existing transmission lines, or located sufficiently far from residential areas, and may allow some productive use for those outlying areas that currently would not be permitted. Mr. Ludicke concluded that the requirement for conditional use permit would allow the City, through the Planning Commission, to review these types of applications to determine whether or not these sites are appropriate for the type of use being proposed, and impose conditions if it was determined necessary. He stated that if the Commission decided to initiate on these actions it would be addressed at the December 21, 2009, Regular Meeting with the ordinances for the Commission's consideration.

Owen Hurd approached the podium, and stated he was the President of TUUSO Energy Company based in Seattle, Washington. TUUSO is a developer of utility scale solar plants, focusing mainly in Southern California. He stated their focus was mid-sized plants, photovoltaic, and in close proximity to the existing grid, allowing for an easier connection in the California. He stated that due to the risks and common pitfalls associated with renewal energy development, their company had been very particular in the site selection. Mr. Hurd reported that over the past four months, sites were being observed throughout Southern California, and currently have under contract a site located on 100th Street West and Avenue I, and it appears to be a highly valuable site. He stated that currently, it is zoned rural residential, but if this were to be changed, an application for a conditional use permit would be submitted immediately hereafter. Mr. Hurd stated as of to date, they had submitted an interconnection request and an application for power purchase agreement to Southern California Edison, and were planning to break ground in 2010. He added the company would be developing this site in joint venture with a more traditional power developer that has built large natural gas and coal fired plants abroad,

as well as in the United States. Mr. Hurd described to the Commission that the plant would be 160 acres of flat photovoltaic panels, maximum height of 15 to 20 feet at a very low visual impact and minimal water usage. He added that it is estimated to provide enough power for 3,000 homes. He expressed that if this were to move forward and the ordinance were to be changed, every effort would be made to involve the community. He summarized this endeavor estimated to create between 300-400 construction jobs, a number of which would be on a more permanent basis for maintenance in support of the plant. He declared TUUSO as firm believers in the promise of renewable energy, to also make it a priority to involve the schools, specifically to offer field trips to the elementary and grade schools, and engage with the community colleges. Mr. Hurd concluded that his company is firmly committed to the success of this project and would appreciate the Commission's consideration.

Chairman Vose questioned if this property was within the City of Lancaster's jurisdiction, to which Brian Ludicke responded in the affirmative. In addition, Mr. Ludicke stated it was the subject of a General Plan amendment application several years prior to change from rural residential to urban residential. He stated that due to the housing market, the proposal has stalled. Chairman Vose referenced the definition of power plant in the staff briefing, and questioned if any accommodation had been considered for commercial industrial buildings for this type of renewable energy source. Mr. Ludicke responded that in the current regulations, it is considered as accessory use to permitted use on a property, it is allowed, and he mentioned examples of businesses in the area. He added that there were a number of school districts that are looking at that kind of approach, including the City, in terms of shaded parking structures in similar approaches. While that has been successful, Mr. Ludicke concluded the difference is this project would not be connected to any other use on the property, and it would be a stand-alone developed exclusively for the generation of electrical power.

There were none in the audience who wished to speak in opposition to the request.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to initiate zoning ordinance modification to allow small scale wind turbines in the commercial and industrial zones, and allow solar power plants in rural residential zones subject to a conditional use permit. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

9. Review of Design Guidelines

Chairman Vose opened the floor for the reviewing of the design guidelines by the Planning Staff and members of the Architectural and Design Commission (ADC), Chairperson Cook and Commissioner Buchanan.

Brian Ludicke and Silvia Donovan conducted a PowerPoint presentation of the Lancaster Design Guidelines. Silvia Donovan demonstrated and discussed the various outlines of the guidelines by way of the ADC's Mission Statement and Guidelines Purpose. She discussed the organizational set up of the guidelines covering all development, residential, commercial, mixed use, and industrial areas. Brian Ludicke continued the presentation stating that one of the issues discussed by the ADC through this process was to the need to ensure long-term maintenance of improvements. A summary of various approaches, including community facilities districts, was presented.

Chairman Vose acknowledged and complimented Chairman Cook and Commissioner Buchanan, and Cassandra Harvey, former ADC commissioner, of a job well done.

DIRECTOR'S ANNOUNCEMENTS

None.

COMMISSION AGENDA

Chairman Vose opened for discussion on the schedule of zoning consistency with the General Plan.

Brian Ludicke reported to the Commission a brief status of what has been accomplished concerning the zoning consistency with the General Plan. He stated that one of the projects, parcel by parcel zoning map, is nearly complete and requires close scrutiny in review. Essentially, that is required in order to bring the City's zoning designations into compliance or consistency with the adopted General Plan. Mr. Ludicke stated the staff is preparing and planning to approach the public in a review format, and an open house approach that was conducted for the General Plan concerning zone changes has been discussed. He stated that the most difficult struggle at the present is reviewing the mixed use zone and regulations. He stated that it was discovered that while people like the idea of mixed use, and there is limited guidance at the professional level, although there are other cities that have taken some of those steps. He added notably among them are Colorado Springs and two others in the Denver area. He believes from the current schedule, public information will be available in early January 2010. He stated the goal would be that the Commission could hold their first public hearing on the issue in the regular February meeting. He advised this would allow sufficient time for the people that are interested in the community to review the information, and the Commission to view the product of any changes prior to submitting a formal recommendation on the map and text changes to the Council. Mr. Ludicke advised the he would not recommend any other major changes into the zoning code at this point, because there is ample time to follow-up on that matter. He stated the focus now is to process the zoning consistency, and get a mixed use zone classification written and adopted. Mr. Ludicke stated that material would be available for the Commission to view in early January 2010.

Chairman Vose asked if scheduling successive meetings prior to review was worthwhile to give the public ample opportunity for their input, as was done during the General Plan update efforts. Mr. Ludicke responded that was a good idea and would be taken into consideration in gauging the level of interest. He stated that with zone changes, essentially, it is bringing things

into compliance; for example, something that was residential and now it is commercial. He added the mixed use classification is a new approach, and thought it would be of value in allowing the public an opportunity to review.

Chairman Vose stated to schedule a meeting of February 16, 22, and 23, 2010, to give public notice, and a potential recommendation for adoption to the City Council on March 15, 2010.

Chairman Vose announced that Commissioner Burkey and Vice Chair Smith had issues they wanted to bring before the Commission. Commissioner Burkey stated they wanted to re-address and review the issue of paths and trails in the Antelope Valley. He stated it was discussed as part of the General Plan, and when the General Plan was moving forward, it was brought up as to how to put these paths in place, create a path plan, and how to make this happen. The Commission were unable to come up with any great answer, and the City has nothing today that he knows of that would put paths in the community in an organized manner. He does not know exactly what the process is, but he would like to look at the path system in the Antelope Valley, and see what committees and commissions need to get involved in putting something together that would move forward in creating a great path system for the community; therefore, Chairman Vose puts it on the floor for discussion.

Vice Chair Smith stated that it was interesting to see in the Design Guidelines that they did address trail systems, and realized that with the existing development, the City cannot implement twelve systems after that fact. As people continue to develop, the Commission would like to see participation on their part as they are recommending development. Several issues that come into play when speaking about implementing the trail system that would require other departments to be involved in the discussion. The Commission asked Brian Ludicke for his thoughts. Perhaps a committee can be put together. The Commission would like representation from the ADC, perhaps Mr. Buchanan or Chairwoman Cook to be part of that committee. Chairman Vose stated some plan of funding would be necessary.

Brian Ludicke concurred with Chairman Vose concerning the funding. He stated that there were a couple of places that within adopted City plans where the issue of an overall trail system is discussed. One is in the Master Plan of Parks, Recreation, and Open Space, which was actually adopted ahead of the overall General Plan. One of the issues that was brought up and staff received comment from the public outreach effort associated with that was that people were interested in what could happen with a trail system. Chairman Vose noted that people primarily look at it as a recreational use, and that is why it came up as logical thing in that approach. The Commission also looked at it as they pointed out in the General Plan review, and it has been addressed to some extent in every General Plan, however, it has not moved forward. The fact is that the City has done some things on individual projects, such as the Amargosa Creek pathway, as mentioned in the newspaper story today. The City has had at least a concept plan for that and its pursuit for various funding sources for improvements done including a trail head. The bike path along Sierra Highway is another example, but what Chairman Vose sense from Commissioner Burkey's comments is there is no idea how all that fits together. How does one get from one trail to the other? Whatever committee is formed or outreach done, ultimately, a master trail plan for the City and the regional trail systems in the area have to be taken into

consideration. One other aspect of this is the bicycle trail system, which Carlyle Workman may want to address.

Carlyle Workman noted that the Traffic Division has been working on a master plan of bike trails and the City has received some funding for expanding the bike trail on Sierra Highway as part of the project. But again, he agrees with Brian that this would dovetail into a master plan of trails. It is possible to have bike trails and pedestrian trails. This is not something that can be easily done in existing residential developments, because these are established communities where a path system cannot simply be placed. This would be implemented on future developments, along with the Design Guidelines.

Brian Ludicke responded simply between the staff and the commission that a discussion could be easily tied with one of the Commission's regular study sessions. The Commission has the ability to send recommendations forward to the City Council, and taking into consideration the funding for this program, and other quality traits that make a good community.

Chairman Vose commented that historically the Commission had made modifications and added conditions to improve maps. Vice Chair Smith stated it might not be as simple as far as requiring modifications on approved developments that have not moved, as it may affect the usable land for the developers. She further commented that bringing the right people in to have that discussion with and to educate the Commission further on the matter, would provide the Commission all options it need to take into consideration.

Brian Ludicke responded key people within City staff can be identified that would have input into this and are willing to participate in the program, and staff arrange for them to be present at one of the study session. It would be good to hear the perspective of the Parks, Recreation and Arts Director or City Administration as to how they view these things.

Chairman Vose included a public session as well. Chairman Vose stated the advisory had been properly noted. He stated that Brian Ludicke had been given direct notice to come back to the Commission with information concerning the trail issue in conjunction with the adoption of the Architectural Design Guidelines and General Plan. He stated the Commission was not out of its purview at all to discuss the rest of the issues. He said it was an interesting comment Brian Ludicke made regarding community facilities districts and the financial viability of projects. Prevailing wage comes to mind as it relates to the costs of all developments at all levels not just public works, it would be the entire project would be in the prevailing wage category. It seems to work in the public agencies very well but the private sector tends to resist, unless the laws have changed. The economic viability is not necessarily there, although it's something worth exploring, particularly in these limiting times. A downtown specific plan being overlaid with a community facilities district is viable, because there would be a controlled market place there.

Commissioner Burkey stated that it would be appropriate to place that item on the agenda for study session in December. Brian Ludicke responded that he would have to verify the availability of key staff. Mr. Ludicke stated he would contact the Commission so that plans could be made accordingly. Commissioner Burkey said personally he would like to meet with planners of other communities who have done what the City is trying to do; to mastermind, and

not to try to reinvent the wheel; and perhaps put together a group to study grants and funding possibilities for a trail system.

Chairman Vose revealed that the other issue he wanted to discuss is about the existing advertising signage in the community. As he drives through the community in the daytime and in the evening, he noticed that there is a considerable negative impact on the City's environment as it relates to some of the types of signage that have been allowed to exist in the community. He stated that when a merchant is not in conformance with the ordinances within the City, a complaint is filed and Code Enforcement gets involved, would be the only time the issue is addressed. Code Enforcement, however, is not out actively soliciting and reviewing non-conformance. He suggested for the Commission to discuss this matter at one of the study sessions to review the policies and ordinances as it relates to sign, impacts and installation and approval process within the community. He opined that there are certain areas within the City that give him an impression that this is a third world country by the way the façades of some of the buildings exists from the signs, and the way the merchants tend to advertise or junk their façade, such as the boot leg sign on the truck body parked outside on somebody's parking lot directing someone to a carpet store, or the nail salon vendor who has boot legged a sign on someone's lease sign directing clientele to their place, or one of the applicants here tonight that has 90 percent of their windows covered with signage. Chairman Vose asked Brian Ludicke for his thoughts on this.

Brian Ludicke replied that staff could certainly give the Commission a primer on what the City's regulations on signage are. Outside of new commercial development or specific plans that have been adopted subsequently, most of the City's sign regulations are probably 15-20 years old; the industrial signs were adopted around 1993. He recalls that most of the commercial zones, although they were updated at times, most were placed in their current form in 1987. He believes that probably the first step is to describe what is allowed, what the process is, and what legal issues are, because it at times crosses into First Amendment issues.

Chairman Vose asked if there was anything that would prevent the Commission from reviewing the ordinances, regulations, policies and coming up with revisions. For instance, if a business goes out of business and they are to become vacant for a period of time, if within that period of time a new owner's ordinance might state that a sign must be removed within a certain period of time and be replaced with a more modern sign. He inquired if there is nothing that would prevent the Commission from adopting such a condition. Brian Ludicke responded that it would be allowed, as long as the City provides the public adequate advertised information and time to review the matter.

Chairman Vose inquired if the Commission would also be allowed to set regulations for can, plastic or metal signs. Brian Ludicke responded in the affirmative. Chairman Vose directed staff to look at the schedule and get back to the Commission to review the regulations.

Commissioner Burkey added the only comment he had was he appreciated Chairman Vose bringing the issues up, and he agreed with him concerning areas in the Valley with signage that are an eye sore to say the least, and that he would also like to review the ordinances.

Chairman Vose stated the ordinances to signage can be found on the City's website. However, the policies and regulations that the Staff administers are not there, and asked Brian Ludicke to look into this matter.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

Jason Zink, a Lancaster resident, addressed the Commission and stated he just came because he turned on the television tonight and saw the discussion on alcohol sales for the convenience store on Arbor Court. This has been the same discussion for 20 years around here and he really believes that the alcohol issue is nothing to fear. He noted that on Challenger and Avenue K, there are two elementary schools in close proximity to businesses selling alcoholic beverages, such as Vallarta, two liquor stores, Tokyo's Steak House, Rico's, Vincent's Pizza, and a Shell gas station. He asked if there was any reported problem in that area, and stated that if any, it is caused by the individual with mental illness roaming the area. He thinks that when the Commission try to set limits, it is also limiting people's constitutional rights. His other concerns are the real estate signs. He considers the real estate signs on existing commercial centers an eye sore. It just makes the area look as though the City is in despair. However, he is suggesting not to over-regulate as Palmdale has done with their big signs on stores, restaurants and gas stations. He believes the City of Palmdale lost a million dollars in sales tax revenue because of it.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 8:37 p.m. to Monday, December 14, 2009, at 5:30 p.m., in the Planning Large Conference Room, City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster