

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

October 16, 2006

CALL TO ORDER

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

INVOCATION

Vice Chairman Macpherson 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), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Principal Civil Engineer (Carlyle Workman), Recording Secretary (Joy Reyes), and an audience of approximately 48 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 September 18, 2006. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

NEW PUBLIC HEARINGS

2a. ONE-YEAR EXTENSION - TENTATIVE TRACT MAP NO. 48699

Chairman Mann opened the public hearing at 7:13 p.m. to hear a request submitted by Lance Johnson (“the applicant”) for a subdivision of 7 single family lots on 8.0± acres located on the southeast corner of 27th Street West and Avenue L-8.

The staff report was presented by Silvia Donovan. The applicant was present and expressed his agreement to the conditions of approval as stated in the staff report, but he also mentioned the financial burden it would entail to put in improvements at the intersection of 25th Street West and Avenue L-8. There were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:15 p.m., whereby Commission discussion ensued. Chairman Mann reiterated that developers have a responsibility to pay their fair share of the costs in relation to improvements, and that the Planning Commission also has a duty that as Lancaster continues to develop out for the General Plan, there is a need for that burden to be carried out responsibly for each project that is brought forth to the Commission.

It was moved by Commissioner Salazar to grant a one-year extension to August 11, 2007, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 04-47. 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.

2b. ONE YEAR EXTENSION - VESTING TENTATIVE TRACT MAP NO. 54274

Chairman Mann opened the public hearing at 7:23 p.m. to hear a request submitted by Kensington Estates LLC for a subdivision of 80 single family lots on 17± gross acres located at the northeast corner of 20th Street East and Kettering Street.

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 7:24 p.m.

It was moved by Commissioner Faux and seconded by Vice Chairman Macpherson to grant a one-year extension to September 22, 2007, based on the findings and subject to the Revised Attachment to Resolution No. 03-41. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

2c. ONE YEAR EXTENSION – VESTING TENTATIVE TRACT MAP NO. 60057

Chairman Mann opened the public hearing at 7:25 p.m. to hear a request submitted by Pacific Communities Builder, Inc. for a subdivision of 300 single family lots on 120± acres located on the southeast corner of Avenue L-8 and 80th Street West, in the R-10,000 zone.

The staff report was presented by Silvia Donovan. John Jacobs of JT Engineering was present on behalf of the applicant and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:27 p.m.

It was moved by Vice Chairman Macpherson and seconded by Commissioner Faux to grant a 60-day extension to December 18, 2006, in order to allow staff to review the redesign and determine off-site improvements. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

2d. ONE YEAR EXTENSION – TENTATIVE TRACT MAP NO. 60844

Chairman Mann opened the public hearing at 7:28 p.m. to hear a request submitted by Harold Shaffer for a subdivision of 8 single family lots on 9.4± acres located on the southwest corner of 27th Street West and Avenue L-8, in the RR-1 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 7:28 p.m.

It was moved by Commissioner Troth and seconded by Vice Chairman Macpherson to grant a one-year extension to September 20, 2007, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 04-44. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

3. CONDITIONAL USE PERMIT 05-19

Chairman Mann opened the public hearing at 7:29 p.m. to hear a request submitted by Investment Concepts, Inc. for the 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, on 3.38± acres located on the west side of 20th Street West, approximately 370 feet north of Avenue K.

The staff report was presented by Silvia Donovan. The applicant and Jordan Architect, represented by Terry Tull, were present. Mr. Tull had some comments regarding a couple of conditions. The first one pertains to the 10-foot setback along the north and west property lines; the condition requires the existing 6-foot wall to be removed and replaced with an 8-foot wall and landscape. He asked that this condition be reconsidered because it creates a no-man's zone and attracts trash, graffiti and criminal activity. Ms. Donovan responded that she did not have a problem with the request and Vice Chairman Macpherson commented that the request has merit. The second condition pertains to the right turn-in and right turn-out on 20th Street West, which the architect would like to propose allowing left turn on to property, then later on installing a median if traffic warrants it. Carlyle Workman explained that it would be better and wiser to determine what medians are needed and complete them all at once. Chairman Mann concurred.

Chairman Mann closed the public hearing at 7:48 p.m.

It was moved by Vice Chairman Macpherson and seconded by Commissioner Salazar to adopt Resolution No. 06-75 approving Conditional Use Permit No. 05-19, with modifications to Conditions No. 9 and No. 17. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

4. CONDITIONAL USE PERMIT NO. 06-07

Chairman Mann opened the public hearing at 7:55 p.m. to hear a request submitted by Steve Fairly to construct a 24-unit senior apartment project on 1.9± acres (Aurora III) and a 134-unit assisted living complex on 2.9± acres (Aurora IV) located on the west side of 12th Street West and Avenue J-9, 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. Brian Ludicke commented that a phone call and some letters were received from neighboring residents regarding some concerns on 12th Street and people's driving habits that are not necessarily connected to this project, and that they will be referred to the proper staff in City Hall for handling.

Chairman Mann closed the public hearing at 7:55 p.m.

It was moved by Commissioner Troth and seconded by Chairman Mann to adopt Resolution No. 06-84 approving Conditional Use Permit No. 06-07. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

5. VESTING TENTATIVE TRACT MAP NO. 62052

Chairman Mann opened the public hearing at 7:57 p.m. to hear a request submitted by Mahmud and Hoshanara Rawjee, for a subdivision for 81 single family lots on 20± gross acres located on the southwest corner of Avenue I and future 12th Street East.

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 7:57 p.m.

It was moved by Vice Chairman Macpherson and seconded by Commissioner Troth to adopt Resolution No. 06-76 approving Vesting Tentative Tract Map No. 062052. 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. 62121**

Commissioner Troth abstained and removed himself from the public hearing on this Agenda Item. Chairman Mann opened the public hearing at 7:58 p.m. to hear a request submitted by Royal Investors Group LLC for a subdivision for 115 single family lots on 30.3± acres located on the northwest corner of 40th Street West and Avenue K.

The staff report was presented by Brian Ludicke. Orest Dolyniuk, representing Royal Investors Group, was present and expressed his concurrence to the conditions of approval, as stated in the staff report. He stated that an additional biological report was turned in and that mitigation was proposed to preserve a 10-acre site with suitable burrowing owl habitat. He said that Royal Investors saw the letter from the Department of Fish & Game stating its requirement of more than 10 acres and that it is up to the Planning Commission, as the authorizing and decision-making body, to deem what is adequate.

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

Michael Wilson, representing The Friends of Prime Desert Woodlands, said that the basis of their challenge is the staff report acknowledges that their appeal was granted and that the City's letter to their attorney granting their appeal makes no mention that any evidence or any portion of their appeal was denied. Their appeal clearly stated that the evidence presented constituted a fair argument and consequently for CEQA, an EIR is required. City acknowledged those impacts by upholding their appeal and in its action, simply defining a higher mitigation requirement does not invalidate City Council's mandate. Changing the level of mitigation from negative declaration to mitigated negative declaration does not relieve the City of responsibility of abiding by CEQA. There is evidence that an EIR is warranted. He wanted it be known that despite their involvement in the project, they were not notified that the project was going to be heard, and that on January 9, 2006, Royal Investors employees were sent to his home with a copy of the appeal letter and project mailing list and threatened him. On January 28, 2006, the City placed a waste management dumpster on site to support a school class clean up project. The dumpster was placed within the avoidance zone defined by the Burrowing Owls Consortium Protocol, which aided the removal of the birds from the site. It is erroneous data that Impact Sciences reported no sighting of burrowing owls, in an area that, historically, owls have been there for years. A game warden's review yielded evidence of owls. He also said that a new standard and threshold is being upheld by the City as there is no such thing as 10 acres of mitigation habitat for burrowing owls specified by Burrowing Owls Consortium Protocol. He felt that the 30 acres they were asking for was appropriate.

Russell Almaraz, resident of Lancaster, California, stated that he spotted owls at the site on January 21st, 2006, just before the standpipes were knocked down. He said that a request for a full environmental report had merit and that 30 acres of mitigation habitat for the burrowing owls were justified.

Dean Webb, resident of Lancaster, California, expressed his support for a full environmental impact report. He requested the Commission to make its procedures of performing the mitigation open to the public so the citizens can participate and give their comments.

Chairman Mann closed the public hearing at 8:21 p.m. Chairman Mann expressed his disappointment that grading was conducted on site, which consequently destroyed burrowing owl habitat. He said that what he did not want to happen on his watch as Chairman was for developers to just start grading properties and later coming back to the Commission to ask for clemency. He felt that the recommendation of Fish & Game to match the lost land acre for acre was appropriate. He also advised to abide by Fish & Game's recommendation of 4 site visits on different days, instead of the 30-day burrowing pre-construction survey condition given by staff. Vice Chairman Macpherson concurred and said he preferred that the surveys be done not only prior to construction but prior to any site disturbance. Brian Ludicke added that it would be preferable to transfer title and responsibility to a local conservancy once habitat replacement land is identified.

It was moved by Chairman Mann and seconded by Vice Chairman Macpherson to adopt Resolution No. 05-71 approving Tentative Tract Map No. 62121 with modifications to Conditions No. 13 and No. 14 and the mitigation measures. Motion carried with the following vote:

AYES: Commissioners Faux and Salazar, Vice Chairman Macpherson, Chairman Mann.

NOES: None.

ABSTAIN: Commissioner Troth.

7. TENTATIVE TRACT MAP NO. 63786

Chairman Mann opened the public hearing at 8:32 p.m. to hear a request submitted by LMH Development, LLC for a subdivision for 37 single family lots on 10± gross acres located on the northwest corner of 30th Street East and Avenue J-8.

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 8:32 p.m.

It was moved by Commissioner Salazar and seconded by Commissioner Faux to adopt Resolution No. 06-77 approving Tentative Tract Map No. 63786. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

8. VESTING TENTATIVE TRACT MAP NO. 64333 (SPR 05-25)

Chairman Mann opened the public hearing at 8:33 p.m. to hear a request submitted by Naftali Deutsch for a subdivision for 127 residential airspace condominium units with appurtenant recreational facilities on 10.0± gross acres located at the northeast corner of 20th Street East and Avenue J-8, in the MDR zone.

The staff report was presented by Silvia Donovan. Phil Berger, engineer, and John Reed, architect, were present on behalf of the applicant, stating agreement to conditions of approval as stated in the staff report. They also addressed Vice Chairman Macpherson's concern regarding possible parking and traffic congestion situations (arising from possible use of the separate bedroom as a separate dwelling unit) and stated that 48 guest parking spaces would be provided, 16 more than required by the zoning ordinance. There were none in the audience who wished to speak.

Chairman Mann closed the public hearing at 8:44 p.m.

It was moved by Chairman Mann and seconded by Vice Chairman Macpherson to adopt Resolution No. 06-78 approving Vesting Tentative Tract Map No. 64333 with modification to Condition No. 10. 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. 64392

Commissioner Troth abstained and removed himself from the public hearing on this Agenda Item. Chairman Mann opened the public hearing at 9:02 p.m. to hear a request submitted by Bay Development Group, LLC for a subdivision for 91 single family lots on 23.50± gross acres located on the southeast corner of Challenger Way/10th 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 9:03 p.m.

It was moved by Commissioner Faux and seconded by Vice Chairman Macpherson to adopt Resolution No. 06-79 approving Tentative Tract Map No. 64392. Motion carried with the following vote:

AYES: Commissioners Faux and Salazar, Vice Chairman Macpherson, Chairman Mann.

NOES: None.

ABSTAIN: Commissioner Troth.

10. TENTATIVE TRACT MAP NO. 65402

Chairman Mann opened the public hearing at 9:04 p.m. to hear a request submitted by Global Investment and Development, LLC for a subdivision for 10 single family lots on 2.53± gross acres located on the southeast corner of future 25th Street East and Avenue J-4.

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 9:05 p.m.

It was moved by Commissioner Salazar and seconded by Commissioner Troth to adopt Resolution No. 06-80 approving Tentative Tract Map No. 65402. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

11. TENTATIVE PARCEL MAP NO. 62728

Chairman Mann opened the public hearing at 9:05 p.m. to hear a request submitted by Kathy Blodgett for a subdivision for 3 single family lots on 4.10± gross acres located on the southeast corner of Avenue L-12 and 15th Street West.

The staff report was presented by Brian Ludicke. The Commission received a letter of concern from a Ms. Susan Kelly indicating her opposition to the project. Barry Munz was present on behalf of the applicant, and declared his concurrence to the conditions of approval as

stated in the staff report. There was a speaker in the audience who wished to comment, as follows:

Roger Guilmette, resident of Lancaster, California, spoke in opposition to the project. He voiced his concern that once this project gets approved, similar developments would follow suit and White Fence Farms would get caught up in becoming a subdivision. He said that the main reason he moved to that area was the open space. Chairman Mann encouraged Mr. Guilmette to attend public hearings, especially now that the General Plan is being updated.

Chairman Mann closed the public hearing at 9:17 p.m.

It was moved by Commissioner Troth and seconded by Vice Chairman Macpherson to adopt Resolution No. 06-81 approving Tentative Parcel Map No. 62728. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

12. TENTATIVE PARCEL MAP NO. 65882 (SPR 06-02)

Chairman Mann opened the public hearing at 9:18 p.m. to hear a request submitted by LB/VCC Lancaster LLC for a subdivision of property located 300 feet north of Avenue J between 16th and 17th Street West into 2 parcels: Lot No. 1 at 4.18± gross acres and Lot No. 2 at 4.74± gross acres and divide sixteen 1-story medical/office buildings into 64 airspace medical/office condominiums (32 units on common lot Parcel 1 and 32 units on common lot parcel 2) in the OP 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 9:18 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to adopt Resolution No. 06-82 approving Tentative Parcel Map No. 65882. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

13. TENTATIVE PARCEL MAP NO. 66403

Chairman Mann opened the public hearing at 9:18 p.m. to hear a request submitted by McGarrey Development Co., Inc., for the approval of a tentative parcel map to convert two previously approved industrial buildings on one common lot into 21 airspace condominiums in the SP 90-01 zone on 4.75± gross acres northeast of Business Center Parkway south of Exchange Place.

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 9:19 p.m.

It was moved by Commissioner Salazar and seconded by Commissioner Faux to adopt Resolution No. 06-83 approving Tentative Parcel Map No. 66403. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

COMMISSION AGENDA

Chairman Mann mentioned that he, Mayor Hearn and Commissioner Salazar attended a hearing at a Baptist church on the eastside involving concerned individuals living in trailer parks. The meeting was very emotional because the attendees were deeply worried about their future. He told Mayor Hearn that the Planning Commission has voted unanimously to have staff work on a mobile home park conversion ordinance. He assured the attendees that he would do everything within his capacity and authority as Planning Commission Chairman to move forward with this ordinance. Brian Ludicke advised that per his conversation with City Attorney Dave McEwen, the draft conversion ordinance for internal staff review should be ready by December of this year and for presentation to the City Council by February 2007. He also commented that the City needs to do what it can to ensure that mobile home parks, which are a pretty significant part of its housing stock, are to be maintained in a safe, decent and sanitary manner.

DIRECTOR'S ANNOUNCEMENTS

Brian Ludicke announced that the upcoming study session scheduled on November 13, 2006, at 5:30 p.m. should be relatively short but there are two controversial projects with EIR certification that probably will take some time. He reminded the Planning

Commission that there is also a joint study session with the City Council scheduled at 6:30 p.m. that is open to the public.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

Ray Chavira, representing Sherwood Mobile Home Park Homeowners' Association, thanked the Commission and the Planning Director for their excellent comments regarding the welfare and safety of mobile home park residents. He cited one of two articles that appeared recently in the newspaper regarding the conversion of mobile home parks to condominiums. He urged the Planning Commission and staff to consider bringing forward or advising a moratorium to the City Council, in the absence of a mobile home park conversion ordinance while staff is drafting the ordinance. He hoped that mobile home park residents would be invited and get involved in drafting the ordinance.

Xavier Flores, representing the Antelope Valley Alcohol, Tobacco and Other Drug Policy Coalition, inquired about the status of the Conditional Use Permit Ordinance that was motioned back in January by then Vice Mayor Hearn and voted unanimously directing staff to put together an upgraded or strengthened alcohol ordinance, similar to the one adopted by the City of Palmdale in July 2005. He would like to urge the Planning Commission in assisting and moving this project forward. He noted that, in his opinion, there is a direct correlation between crime and alcohol proliferation.

ADJOURNMENT

Chairman Mann declared the meeting adjourned at 9:48 p.m. to Monday, November 13, 2006, at 5:00 p.m., in the Planning Conference Room.

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster