

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

November 20, 2006

CALL TO ORDER

Chairman Mann called the meeting to order at 7:00 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), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Principal Civil Engineer (Carlyle Workman), Recording Secretary (Tess Epling), and an audience of approximately 73 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

- a. Minutes from the Regular Meeting of October 16, 2006

It was moved by Commissioner Troth and seconded by Vice Chairman MacPherson to approve the Minutes of the regular meeting of October 16, 2006. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

- b. Minutes from the Special Joint Meeting of the City Council and Planning Commission on November 13, 2006.

Continued to Planning Commission Hearing of December 2006

NEW PUBLIC HEARINGS

2a. ONE-YEAR EXTENSION - TENTATIVE TRACT MAP NO. 54382

Commissioner Troth abstained and removed himself from the public hearing on this Agenda Item. Chairman Mann opened the public hearing at 7:06 p.m. to hear a request submitted by Saeid Shojaeinjad (“the applicant”) for a subdivision of 9 single family lots on 2.5± acres located on the southwest corner of 32nd Street West and Avenue J.

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

Chairman Mann closed the public hearing at 7:09 p.m.

It was moved by Commissioner Salazar to grant a one-year extension to September 22, 2007, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 03-39. Motion was seconded by Commissioner Faux. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: Commissioner Troth.

2b. ONE YEAR EXTENSION - VESTING TENTATIVE TRACT MAP NO. 54410

Chairman Mann opened the public hearing at 7:11 p.m. to hear a request submitted by Davis and White LLC for a subdivision of 5 single family lots on 2.44± gross acres located at the north side of Avenue K-8, 270 feet east of 23rd Street West.

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 7:11 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Troth to grant a one-year extension to October 20, 2007, based on the findings contained in the staff report and

subject to the Revised Attachment to Resolution No. 03-44. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

3. **CONDITIONAL USE PERMIT 06-06 and TENTATIVE PARCEL MAP NO. 67571**

Commissioner Troth abstained and removed himself from the public hearing on this Agenda Item. Chairman Mann opened the public hearing at 7:12 p.m. to hear a request submitted by Vallarta Properties, LLC for the construction of an 84,749 square foot commercial retail center and the subdivision of the property into six parcels in the CPD Zone, on 9.5± acres located at the northeast corner of 20th Street West and Avenue I.

The staff report was presented by Silvia Donovan. Vice Chairman MacPherson inquired about the height of the pylon signs that the applicant was asking for and commented that he had not seen any elevations or drawings of the signs. Planning Commission and staff were provided copies of the drawings that the applicant had on hand. The applicant, represented by Tim May and John Marquis, were present, as well as Virgil Griffin (architect) and Barry Munz (engineer). Mr. May said that he would like to propose the following: a 20-foot tall sign on Avenue I, a 15-foot high sign on 20th Street West, and a 10-foot tall monument sign on Avenue I. Mr. John Marquis addressed the issue regarding the shopping carts. He would like to ask the Commission to waive restrictions that shopping carts have electronic locking devices installed. The architect confirmed to Vice Chairman MacPherson that the material at the back of the bell tower would be plaster.

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

Ray Chavira, representing Antelope Valley Alcohol, Tobacco and Other Drug Coalition would like to request applicant to consider additional voluntary alcohol restrictions.

Felix Manchaca, resident of Lancaster, California, voiced his opposition to the project due to the unsightliness brought about by trash in its current location and his concern over shopping carts and increased volume of traffic.

Cheryl Mashore, resident of Lancaster, California, agreed with Mr. Manchaca. Her worries constituted crime and safety, increased traffic, cart problem and dilapidated condition that the current location has.

Chairman Mann closed the public hearing at 7:50 p.m, whereby Commission discussion ensued.

The public hearing was reopened at 8:10 p.m. to allow the applicant to come forward and address the concerns raised by the Planning Commission. Regarding graffiti and trash, he assured the Commission that it would be a high priority for them. He also expressed his willingness to sit down with Mr. Chavira.

Araceli Ybarra, resident of Lancaster, California, expressed her opposition to the project due to graffiti, loitering and trash concerns. She was also worried that delivery trucks would be loading behind her house and that the noise would be bothersome.

Chairman Mann reclosed the public hearing at 8:15 p.m.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Salazar to adopt Resolution No. 06-85 approving Conditional Use Permit No. 06-06 and Tentative Parcel Map No. 67571, with modification to Condition No. 22 regarding signage heights, and with added Conditions: No. 24 – that any trash or graffiti on the premises shall be removed within 24 hours; No. 25 – that the applicant shall meet with the Antelope Valley Alcohol, Tobacco and Other Drug Coalition regarding voluntary restrictions on the sale of alcohol, and that the results of such meeting shall be provided to the Planning Director in the form of a letter signed by representatives of the applicant and the coalition; and No. 26 – that on-site security shall be provided if determined necessary by the Planning Director. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: Commissioner Troth.

**4. VESTING TENTATIVE TRACT MAP NO. 60291
VESTING TENTATIVE TRACT MAP NO. 60664**

Chairman Mann opened the public hearing at 8:25 p.m. to hear the requests submitted by Fieldstone Communities to construct the following: a subdivision for 66 single family lots in the R-7,000 Zone on 20± gross acres located on the south side of Avenue K-4, approximately 325 feet west of 35th Street West (VTTM 60291) and a subdivision for 39 single family lots in the R-7,000 Zone on 8± acres located between Avenue K and Avenue K-4, approximately 200 feet east of Buena Vista Way.

The staff report was presented by Brian Ludicke. Ben Hudson was present on behalf of the applicant and expressed his concurrence to the conditions as stated in the staff report. There were speakers in the audience who wished to comment, as follows:

Jackie Fisher, representing Antelope Valley College, spoke in support of the Environmental Impact Report (EIR) submitted on behalf of the Fieldstone project.

Kevin Sanders, resident of Lancaster, California, expressed his support for the Fieldstone EIR.

Shawny Barcelona of Palmdale, California, urged the Planning Commission to favorably consider the Fieldstone project. She felt that residents would benefit from the enhanced habitat protection needed for the high desert species that the EIR would provide.

Donita Winn, resident of Lancaster, California, thanked the Commission for their attention to the safe passage of the students that go to and from Nancy Cory School. She would appreciate the concern for sidewalks and curbs.

Dean Henderson, resident of Lancaster, California, congratulated the Commission for the excellent EIR. As a former Planning Commissioner, he stated that he had seen many EIRs but very few were as thorough as this one. The Fieldstone EIR provides more environmental protection.

Patrick Saatzer, resident of Lancaster, California, stated that his comments would focus on a rebuttal of the final EIR comments to his written and verbal comments presented at the Draft EIR meeting regarding the hydrological impacts of the project. He felt that the final EIR does not provide adequate evidence that the project will have less than significant impact on substantially depleting ground water supplies or interfere with ground water recharge or substantially altering existing drainage pattern of the site or area.

Michael Wilson, representing Friends of Prime Desert Woodlands, stated that the review failed to persuade the public of social, ecological and technological advantages. It was not the public's role to perform the study but the City's responsibility to ensure that the study adequately measures and addresses the public's concern. He criticized Impact Sciences representatives for allegedly misinterpreting or dismissing the public's Draft EIR comments. He commented that the City has failed to include the Friends of Prime Desert Woodlands' Subsequent Draft EIR Comments into the Final EIR and that this procedural error must be rectified before the Final EIR is certified. He also objected to the lack of notice and review period afforded to the public, plus the erroneous posting on the project site.

George Riipi, resident of Lancaster, California, said that he was not opposed to housing per se but if it meant getting parklands out, tearing them down and putting homes, then it would be better for the parks to stay.

Helen Overton, resident of Lancaster, California, urged the Planning Commission to save the land on which the builders intend to build and where it has been found to be rich in vegetation.

Russell Almaraz, resident of Lancaster, California, commented the following: that the Staff Report disregards the feasibility of relocation of the project to an alternative site, that the findings in the Biological Resources section of the Staff Report minimizes the impact to the Prime Desert Woodland Preserve of the loss of the 21 acres, that the EIR minimizes and undervalues the citizen input to the Draft EIR, and that the Draft EIR needs to be reviewed and modified in light of new evidence of Proposition A funds used by the City to purchase land within 21 acres for recreational use, then transferring title to a private property.

Bonnie Harris of Lancaster, California said that they did not need any more homes on West Avenue K-4 since traffic would only get worse. As it is, the speed limit is 25 miles per hour but people that travel on K-4 drive faster than the speed limit. She stated that the reason

they bought their home was that the area was quiet and they had the surrounding desert around them. Building new homes would destroy the habitats of animals along with Joshua trees and Juniper trees.

Gigi Ethridge, resident of Lancaster, California, urged the Planning Commission to respect the original owners' wishes. She raised her concern over traffic since people overspeed, thus making it unsafe for children to play outside. She also mentioned that owls would be displaced from their habitat.

Dean Webb, representing Antelope Valley Environmental Group, encouraged the Planning Commission to consider withdrawing the Final EIR and sending it back for reworking. He pointed out the following: that the cumulative impacts of the three parcels along with two adjacent desert woodlands parcel in question in the Final EIR proposed for conversion into houses are enough to require a CEQA study needing further analysis, that his comments in reviewing the Draft EIR of the eventual demise of the City's Prime Desert Woodland Preserve was deemed only "speculation", that the City's General Plan failed to point out the wild "non-infill" practices being followed by the City on the far west side, and that the public has not been given an opportunity to review, study and comment on the impact of total housing conversion of the two parcels in question.

Gene Gaynor, resident of Lancaster, California, lamented that the study not only addressed his comments inadequately, it practically ignored them.

Dr. Gloria Weinstein, resident of Lancaster, California, stated that she stood before the Planning Commission as a highly skilled professional educator addressing child safety and health issues. There was a total lack of consideration for air quality that affects the students and staff at Nancy Cory School and child safety was completely negated.

Chairman Mann closed the public hearing at 9:15 p.m., whereby Commission discussion followed. Vice Chairman MacPherson inquired about the history of the tract and Lyle Norton, Director of Parks & Recreation, gave a brief presentation.

It was moved by Vice Chairman MacPherson and seconded by Chairman Mann to adopt Resolution No. 06-89 approving Tentative Tract Map No. 60291 and certifying the Final Environmental Impact Report making environmental findings and adopting a statement of overriding considerations. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Troth to adopt Resolution No. 06-90 approving Tentative Tract Map No. 60664 and certifying the Final Environmental Impact Report making environmental findings and adopting a statement of overriding considerations. 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. 66161

Chairman Mann opened the public hearing at 9:45 p.m. to hear a request submitted by Canaday & Company, for a subdivision for 38 single family lots on 10± gross acres located on the northwest corner of Lancaster Boulevard and 23rd 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 9:45 p.m.

It was moved by Commissioner Salazar and seconded by Commissioner Troth to adopt Resolution No. 06-86 approving Tentative Tract Map No. 66161. 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. 66383

Chairman Mann opened the public hearing at 9:45 p.m. to hear a request submitted by WSI Avanti Land, LLC to create 13 lots for financial reasons that would range in size from 16± to 64± acres in the R-7,000 and R-10,000 Zones, on 468± gross acres located on the southeast corner of Avenue K and 70th Street West.

The staff report was not presented since a letter of agreement to the conditions of approval as stated in the staff report was submitted. Karl Mallick of CCL Engineering, representing the applicant, came forward and signified their concurrence to the conditions of approval. 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 9:46 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to adopt Resolution No. 06-87 approving Tentative Tract Map No. 66383. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

7. TENTATIVE PARCEL MAP NO. 66627

Chairman Mann opened the public hearing at 9:47 p.m. to hear a request submitted by J.P. Eliopulos for a subdivision of 1 lot into 2 parcels: Lot No. 1 on 0.63± gross acres and Lot No. 2 at 0.63± gross acres in the SRR Zone, located on the east side of 38th Street West approximately 450 feet south of Avenue M-8.

Planning Commission and staff received a letter from the applicant requesting to continue said Agenda Item as it tries to work with City staff to get clarification and resolve issues they had regarding some conditions.

It was moved by Commissioner Troth and seconded by Commissioner Faux to approve a motion to continue Tentative Tract Map No. 66627 to regular Planning Commission Meeting of December 2006. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

COMMISSION AGENDA

Vice Chairman MacPherson inquired about the City's oversight methods of areas appropriate for conservation. Brian Ludicke commented that the City has approved mitigation for specific projects. There have also been situations where applicants were required by State laws to get streambed alteration agreements and they work out mitigation measures normally with the Department of Fish & Game. The City adopted a Biological Mitigation Fee, the intent of which is to deal with the general issue that any loss of land is, in a cumulative sense, a loss of biological open space and diversity. The City has two accounts, a general fee of \$770/acre and a higher fee on alkali mariposa lily land. The City will need to start considering where to expend those funds collected. Developers have indicated that they may have land holdings they would be willing to donate in return for future mitigation credit.

DIRECTOR'S ANNOUNCEMENTS

Brian Ludicke announced that the Planning Commission should consider the upcoming Planning Commission meeting dates in January and February 2007 and that the Community Meeting on the Amargosa Creek project is slated on December 14, 2006.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

Ray Chavira, representing Sherwood Park Association of Residents, distributed to Planning Commission and staff a handout containing The Community Alcohol Personality Survey and Model Conditional Use Permit for Alcohol Outlets.

ADJOURNMENT

Chairman Mann declared the meeting adjourned at 10:05 p.m. to Monday, December 11, 2006, at 5:30 p.m., in the Planning Conference Room.

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster