

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

July 18, 2011

CALL TO ORDER

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

INVOCATION

Chairman Vose did the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Jacobs led the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

Present: Commissioners Elihu, Hall, Harvey, Malhi, Vice Chairman Jacobs, and Chairman Vose.

Absent: Commissioner Terracciano.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), Recording Secretary (Joy Reyes), and Recording Secretary (Marion Coleman), and an audience of approximately 30 people.

PRESENTATION

Mitch Glaser of the Los Angeles County Department of Regional Planning presented a PowerPoint on "Town & Country – Antelope Valley Area Plan Update".

Chairman Vose informed the audience that comments could be received concerning the presentation at the end of the meeting.

Commissioner Hall recalled the presenter's statement of preserving the rural character of certain areas, and asked if he had a suggestion in response to individuals who have complained about projects that would interfere with their rural lifestyles, specifically concerning solar panel projects.

Mitch Glaser responded that in the outreach program, as presented, many residents expressed that solar plant facilities fundamentally do not belong in a rural area. He stated there were State mandates regarding renewable energy, and is in the process of implementing a conservative plan in the future. He concluded the cases received concerning subject matter would be reviewed individually.

Chairman Vose asked if the data presented would also be broken down and explained on the website comparing the 1986 County General Plan land use with the 46,000 units discussed.

Mitch Glaser stated the information was on the website (<http://planning.lacounty.gov/tnc>) and the public would have access. He stated that a Notice of Preparation for the County General Plan, including the build-out numbers, would be posted on website in late August 2011.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Malhi and seconded by Commissioner Harvey to approve the Minutes from the Regular Meeting of May 16, 2011.

One speaker card received in opposition of May 16, 2011, minutes. Nicole Parsons stated she was in opposition to the minutes of the May 16th meeting, and expressed that said minutes were incorrect.

Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Vice Chairman Jacobs, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Terracciano.

NEW PUBLIC HEARINGS

2. Conditional Use Permit No. 89-37 Amended

Chairman Vose opened the public hearing at 6:50 p.m., to hear a request by Desert Montessori Academy, to expand Desert Montessori School by 700 square feet, and modify number of students and hours of operation in the R-7,000 Zone, located at 44503 Fern Avenue.

The staff report was presented by Silvia Donovan.

Commissioners Hall and Malhi stated they had participated in a field trip to review the site area of the Desert Montessori School.

Applicant, Carrie Marchant, stated Desert Montessori Academy (DMA) was established in 1963, and is a gem in the community. She is a former board member president and parent at the school, substitute teacher in Lancaster, and a licensed Civil Engineer for the state of Michigan. Any complaints received concerning the school in the neighborhood are rectified immediately. School has been operating with an average of 38 students, and will be adding two students with the expansion. To minimize traffic in the area, hours of attendance will be staggered. The school offers education of pre-school through third grade. The “Gessel House”, named in honor of a student that passed away in 2010, and the first student to attend and complete school, will house the first through third grade. She stated with the expansion would bring the building up-to-date with ADA accessibilities.

Chairman Vose asked applicant if she concurred with all the conditions, and she responded in the affirmative.

Speakers in favor:

Sharla Sanchez, Principal at DMA, stated she has been at the school for approximately seven (7) years, raised her children at said school, and has educated many children. Montessori has a very unique method of education, and she expressed it as her passion and heart. She expressed in closing that having the opportunity to continue to teach and remain in the school would be appreciated.

Sara Modaff, Vice President on the board of DMA, and looking forward to the opportunity to expand and grow. She stated that the approval of the project will add and support the culture and education at the school.

Erica Duffy stated she was new to the Lancaster area by way of a spouse in active military, and her children attend the school. She was a parent volunteer for one year, and now works on staff at the school. She concluded that DMA is a jewel in the area.

Forrest Edwards, President of Board of Directors at DMA, wife passed away three years prior, single father of an eight-year-old daughter, who was not doing well in public school. He stated his daughter is very creative and he has noticed the growth being at DMA. He concluded that his work hours are lengthy and compared DMA being a home-away-from-home for his daughter.

Elizabeth Serrano, has been a staff member for 9 years, working as lead teacher for the Children’s House, and Assistant Director. She stated that many of the staff members are the only support for their household. She expressed that DMA is her home-away-from-home.

Katherine Burke, teacher for Antelope Valley High School District, military spouse, mother of three children (two completed DMA, and one in preschool at DMA). She stated the kind of teaching at DMA makes for a good culture atmosphere for all children.

Speakers in opposition:

Kevin Lewelling stated he owns property directly to the north of Desert Montessori. He stated he partially opposes, because his property is located in a traffic pattern where it is convenient for parents to stop and drop off their children to school in front of house. Landscaping has become an issue, and a notice of violation was issued by Code Enforcement.

He asked for consideration to limit the drop off and pick up area to the street directly in front of the school, rather than the homes adjacent to the school. He stated that the proposed landscaping pictures looked good without cars in the driveway, which would appear as a mini-parking lot in front of his home. He concluded that the traffic on the street is unsafe because of the speed, and recommended to add signage to alert there is a school in the area. He has witnessed drivers travelling approximately 40-45 mph on the street.

Cynthia Bailey stated she has lived in Lancaster since 1994, and is the south side of DMA. She stated she has no problem with the staff, and they do try to work out issues and differences as they arise. She stated her only concern is trying to keep the lawn clean, and she has also received notices of violation from Code Enforcement. She stated with an increase in students, there needs to be a privacy wall; she has two dogs in her backyard which the children like to play with, but the dogs get excited with more traffic in the area that could cause a problem. She also has an issue with certain events (Halloween, etc.), because the speed on the street is unsafe. Another problem is getting in and out of her driveway; she requested if the trucks could park on the opposite side of the street.

Nicole Parsons stated her opposition to the conditional use permit, because she was uncertain of the circumstances, and felt that the project was connected to environmental issues when first presented. She stated she was uncertain about the DMA, and speculated whether the water had been examined or approved for the safety of the children.

Applicant's rebuttal: Carrie Marchant responded to the community members, and stated if there were any other problems to bring to her attention. She was not aware of the stones between the sidewalk and curb area. She stated there are many parents that drop off their children in that area and they are supervised. There are children that do walk home unsupervised, and tamper with stones in front of an unoccupied home in the area. If DMA staff could park in that area she does not know if that would correct the issue. She has been contacted by resident neighbors inquiring about the stone throwing, and stated that any recommendations to help avoid the problems mentioned would be received. She mentioned speaking with City Traffic Engineering to inquire about speed limit signs on the street near the school, as there are no speed or school zone signs between Avenue J and Lancaster Boulevard. She stated the privacy wall is in the plan for expansion. She stated in conclusion that according to the original conditional use permit, staff can only drive southbound on the street and park on the west side, which makes it safe for children not having to cross the street. There are costly fines to parents that do not adhere to the parking requirements.

Commissioner Hall stated that the privacy fence had been observed, and on the north side, he noticed an extension of wall that blocks the view, and inquired if the area would be a part of the mitigation. Applicant responded it would be a part of the mitigation.

Commissioner Harvey clarified with the applicant the statement that there were no school zone signs. Applicant responded when she questioned City Traffic Engineering, she was told that the signs were usually reserved for school areas where there are large numbers of walkers or bikers. The conditions for the DMA only allow drop off on the west side and travel southbound. The school does not fit in the parameters or category for school zone or speed limit signs.

Commissioner Harvey directed inquiry to staff, and asked if the City could get a school sign posted in the area discussed.

Carlyle Workman responded that the City Traffic Engineer would implement in accordance with the California Manual of Uniform Traffic Control Devices. He stated that staff would review to establish and investigate whether said traffic signs are warranted.

Chairman Vose commented that the speed limit postings are not under the purview of the City; it is governed by the State Department of Motor Vehicles. Carlyle Workman affirmed.

Public hearing closed at 7:25 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 11-08 approving Conditional Use Permit No. 89-37 Amended. Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Vice Chairman Jacobs, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Terracciano.

3. Conditional Use Permit No. 92-06 Amended 2

Chairman Vose opened the public hearing at 7:28 p.m. to hear a request by Andrew Marroquin (McDonald's Restaurant), to amend Condition No. 10 to extend hours of operation to 24 hours, located at 3015 West Avenue L (located on the northwest corner of Avenue L and 30th 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.

Applicant, Andrew Marroquin, stated he is the owner, operator, and director of operations for the McDonald's Restaurant. He is seeking extended hours of operation for the restaurant due to the increasing amount of competition in the area, high customer demand, and would like to participate in the national marketing campaign, which is pushing the restaurants to be opened 24 hours. He stated that he canvassed the neighboring residents to acquire signatures if they favored the extension of hours, and the majority of the communities were in favor of extending the hours. The restaurant facilitates many fundraising activities in the community. There have not been any complaints regarding noise or criminal activity in the last year. The extended hours will also create 8-10 jobs if approved.

Commissioner Hall stated he had observed the changes, and complemented the work being done at the McDonald's Restaurant.

Applicant added that since the last amendment of the conditional use permit, a building has been constructed behind the McDonald's Restaurant, which causes a sound barrier and makes it difficult for residents to hear any noise. He stated the traffic on Avenue L and 30th Street West causes more noise than the restaurant parking lot.

Speaker Jessie Lopez, is the Field Service Manager for McDonald's Corporation, and stated he supported the applicant and his endeavors. He stated that McDonald's Corporation is seeking to expand more of their restaurants to open 24 hours. He stated that in Southern California there are 800 restaurant locations, 400 are open 24 hours to accommodate the demand of the customers. One out of five customers' work hours have changed to late night or early morning hours, and McDonald's would like to meet that demand, just as many of the competitors. He stated that his residence is near the area and because of his early morning hours to commute, it is frustrating that the restaurant is not opened. He concluded it is a great opportunity for McDonald's to create more revenue of 20-30% overnight in the location.

Speaker Tom Shoffner is in opposition to the conditional use permit, and stated that he understands the desire for the restaurant to increase in revenue and stay open longer, but he did not move next to a fast food restaurant; the restaurant moved next to his residence. He has lived in the area since 1992, and the original conditional use permit hearing stated that because of the proximity of residents and potential for loitering, the hours of operation for the restaurant should be restricted from 5:30 a.m. to 11:00 p.m., Sunday through Thursday, and 5:30 a.m. to midnight on weekends. He stated that he did not think anything had changed for the neighbors that will be impacted by extended hours of operation. The only change he has noticed is the hi-tech speakers that have been purchased, but that was not for operating on a 24-hour basis. He stated there is no problem with the personnel of McDonald's, he would just like to rest and have peace of mind and comfort when his family retires for the evening, without the disturbance of idling cars and car stereos. There are possibilities of robberies in the early morning hours, which are a primary concern.

Chairman Vose asked Tom Shoffner, regarding the speaker system being installed at the McDonald's restaurant, if he was satisfied. Tom Shoffner stated the speaker system was a good idea and was only one of the mitigations, and stated that Code Enforcement has been called on a few occasions when things have been done not according to the conditional use permit.

Commissioner Hall asked Tom Shoffner to explain the nature of his complaint to Code Enforcement. Tom Shoffner responded that there was a sign on the speaker that the drive-thru would be open to 2:00 a.m., which was not in the conditional use permit. As of July of 2010, the restaurant complied with the City's request to abide by the conditional use permit. Commissioner Hall asked how he could tell the difference, and Tom Shoffner stated that he could hear idling cars and stereos as if someone was in his window of his home.

Len St. John, homeowner adjacent (northwest corner) to McDonald's area, and has been a resident since 1989. He stated the facility was supposed to be a French restaurant, and the original zoning code was residential, now the zoning code is commercial. The area has had major problems with boom boxes, and is a good place for people to hide, or conduct drug deals. He stated he has called the police several times, codes are not being enforced, and therefore, the McDonald's does not need to be opened for 24 hours. He added that some of the residents had objected to the 2:00 a.m. hours of operation before, and it was a major issue for safety. There were individuals jumping the fence and walking through the residence yards, and cars driving through the cul-de-sac. He stated with a developmentally disabled daughter, safety is a major concern with drug deals going on so close to the house.

Commissioner Harvey asked Len St. John if the drug deals were documented cases or had arrests been made by the Sheriff's Department. Len St. John responded that he keeps his

family in the house. He did not know if there were documented cases or arrests, and assumed it was drug dealers, being 2:00 a.m. in the morning he said it was an assumption on his part.

Nicole Parsons stated that she opposed because she thought the McDonald's conditional use permit will be expired in ten (10) years.

Andrew Marroquin rebutted that the McDonald's never owned the adjacent property, it is owned by another entity, only the drive-thru would be open, there should not be a problem with loitering, and the doors would close at 10:00pm.

Chairman Vose clarified with the applicant that the present mode of operations was closing the doors at 10:00 p.m. The applicant affirmed and stated the doors are also closed at 11:00 p.m. on the weekend. Chairman Vose stated he was in the audience when the plans were approved for the McDonald's in 1991. He asked the applicant if he was aware of law enforcement issues while open. Applicant stated there had been no complaints.

Commissioner Hall inquired if there were security cameras in the area. Applicant responded in the affirmative, and stated the security cameras would be placed outside the facility in the next three (3) weeks.

Public Hearing closed at 7:48 p.m.

Brian Ludicke noted to the Commission that the current draft conditions would allow both the drive-thru and restaurant itself to be open 24 hours, whereas the applicant stated it was just for the drive-thru. If it was the Commission's desire to limit it, they would need to amend the condition.

It was moved by Commissioner Hall and seconded by Commissioner Malhi to approve Resolution No. 11-09 approving Conditional Use Permit No. 92-06 Amended 2. Motion carried with the following vote (5-1-0-1):

AYES: Commissioners Elihu, Hall, Malhi, Vice Chairman Jacobs, and Chairman Vose.

NOES: Commissioner Harvey.

ABSTAIN: None.

ABSENT: Commissioner Terracciano.

4. Tentative Tract Map No. 69124

Chairman Vose opened the public hearing at 7:50 p.m. to hear a request by Dionisio Fiorella, to subdivide two parcels into four lots and construct an occupancy of two single family dwellings in addition to the two existing single family dwellings in the SRR Zone, 5.08± gross acres located on the south side of Avenue L-10, approximately 290 feet west of 35th Street West.

Staff report was read by Silvia Donovan, an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Nicole Parsons stated she had designs of live, work, and play and sang a song. She did not express whether she was in favor of or opposed. Public hearing closed at 7:54 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Elihu to adopt Resolution No. 11-10 approving Tentative Tract Map No. 69124. Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Vice Chairman Jacobs, and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Terracciano.

DIRECTOR'S ANNOUNCEMENTS

None.

COMMISSION AGENDA

1. Discussion of City Sign Regulations

Chairman Vose stated that Commissioner Terracciano provided written comments and suggested to discuss the sign regulations from Section 17.12.150 of the Commercial Zoning Regulations relating to projecting signs. Chairman Vose inquired of staff to schedule a study session to review signs and ordinances for the September meeting, and the Commissioners would email to Brian Ludicke or Silvia Donovan, if any inquiries were to be considered to be reviewed and discussed.

Nicole Parsons came forward regarding the Lancaster branding campaign and the Armargosa project.

2. Discussion of Armargosa Creek Improvements

Commissioner Hall stated he was driving north on the 14 Freeway near Avenue J and observed the drainage ditch. He suggested that solar panels arch over the drainage area; windmills could be placed close to the freeway to feature the future of solar energy production. He inquired from staff the feasibility of the plan.

Brian Ludicke stated that the Deputy City Manager and Public Works Director would have to consider and explore this option. As part of the mitigation requirements for the covering of the channel for the Armargosa Creek project between 10th Street West and Avenue L, the City has been in discussion with California Fish & Game for the past two years regarding habitat restoration. If the City could figure out a way to lease out land for solar panels and it is a profitable venture, that may be the way to go.

Commissioner Hall informed the Commission the artist of the illustration was Glenn Knowles at AV College.

Chairman Vose asked for clarification with the streambed alteration agreement process going on relative to the Armargosa Creek improvement project when it was originally established, and part of the mitigations relate to re-establish and repair Armargosa Creek.

Brian Ludicke responded that was correct. In the “lake area” there are a number of berms or raised areas that are an experimental venture for the next five years with California Fish & Game on what is the best approach towards habitat restoration. The venture has not received much publicity, what is being observed is what establishes well; and is successful in the long run. Chairman Vose asked if Sarah Raines was the contact person from California Fish & Game, and Brian Ludicke affirmed.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

David G. stated he felt it is a duty for every citizen to be present, and participate in every item of the agenda for the public hearing. He stated every item did not have to be agendized to speak on according to the Brown Act; will bring in the information and will point out if he notices any discrepancies to the Commission. He made congratulatory remarks to Desert Montessori Academy staff, and added that any private school is rated best when compared to public schools, and is great for the community. He commented on Code Enforcement procedures citing the residents for landscaping in the area of Desert Montessori Academy, compared to ticketing for Christmas lights. He felt the decision for McDonald’s was unfair in hearing the speaker’s complaints.

Len St. John stated he was not given mail notification concerning the meeting, and was not prepared for the meeting. His neighbor was also not informed. He stated in the original conditional use permit, four items were not addressed by McDonald’s: Condition No. 12-the dividing median; Condition No. 7-numerous accidents on 30th Street West and Avenue L; Condition No. 9-trash enclosures are against my property, not in the center of the property; strip mall added more trash cans; McDonald’s bought parcel whole property, and applicant did not tell the truth. He stated it was “wrong”.

Chairman Vose informed the public in general that if they were in disagreement with any action, they could bring it before the City Council if wished to appeal any item.

Brian Ludicke stated if anyone wished to appeal an action, they would do so through the City Clerk’s Office.

Comments on County Presentation

Nicole Parsons expressed concerns regarding contractors in the city.

David G. stated that he heard the presentation and no facts were presented. He spoke with Mitch Glaser concerning public safety, and people would be disappointed with the planning project. He commented on the development debt, and stated any topic of discussion should be spoken on, and commended one of the commissioners for voting no on one of the agenda items.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 8:20 p.m., to Monday, August 8, 2011, at 5:30 p.m., in the Planning Conference Room, City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster