

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

April 16, 2012

CALL TO ORDER

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

INVOCATION

Pastor Matt Bowler of Lancaster Baptist Church did the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Harvey led the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

Present: Commissioners Cook, Hall, Harvey, Terracciano, Vice Chairman Jacobs, and Chairman Vose.

Absent: Commissioner Malhi.

Also present were the Acting Deputy City Attorney (David Palmer), Planning Director (Brian Ludicke), Associate Planner (Chuen Ng), Associate Planner-Environmental (Jocelyn Swain), City Engineer (Michelle Cantrell), Recording Secretary (Joy Reyes), Recording Secretary (Marion Coleman), and an audience of approximately 20 people.

Chairman Vose acknowledged the representing City Attorney David Palmer.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Hall and seconded by Commissioner Terracciano to approve the Minutes from the Regular Meeting of March 19, 2012. Motion carried with the following vote (6-0-0-1):

AYES: Commissioners Cook, Hall, Harvey, Terracciano, Vice Chairman Jacobs, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

CONTINUED PUBLIC HEARINGS

2. Conditional Use Permit No. 12-03

Chairman Vose opened the public hearing at 6:04 p.m. to hear a request by University of Antelope Valley (UAV), Marco Johnson, for a Type 47 Alcoholic Beverage Control License at the Pioneer Event Center (PEC) including the sale of beer, wine, and distilled spirits for consumption on the premises, as well as live entertainment, sporting events, concerts, and ceremonies, in the CPD (Commercial Planned Development) Zone, located at 45000 Valley Central Way.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant. Applicant Marco Johnson conducted a PowerPoint presentation; he stated he would like to establish an entertainment district, and highlighted the conditions concerning parking, temporary toilet facilities, alcohol, and security.

Commissioner Hall referenced sporting events and performances that have been conducted at the PEC, and asked applicant if there was a preference of events. Applicant responded that he could not state a preference, and gave an example of a small college in Atherton, California (Menlo); 65 percent of the students are athletes, high graduation rate, excellent job placement program, and excel to be successful young people.

Commissioner Harvey inquired if the applicant had discussed parking issues with the hotel establishments to the north of the project, as he had discussed with the Lancaster Market Place. Applicant affirmed, and stated hotel personnel were extremely excited about their move, and opined that the PEC would bring potential revenue to the hotels. He stated that hotel personnel would extend a helping hand if needed, including parking. Commissioner Hall also inquired the status of security personnel after last call for alcohol at 1:30 a.m., and all patrons are to be out by 2:00 p.m. Applicant stated that security or management personnel will remain on duty 45 minutes after guests depart.

Commissioner Terracciano inquired if applicant had applied for an alcohol license, and applicant stated he was advised to await approval of the project to obtain the alcohol license.

Chairman Vose questioned applicant concerning the expansion of the exterior, for example, painting and landscaping. Applicant stated there would be a new roofing system installed to expand in and out; the paint and landscaping would be completed within the next 10 months (by February 2013). Chairman Vose commended the applicant for the success of the building renovation. Applicant expressed appreciation to planning staff for their expertise and professionalism.

There were none in the audience who wished to speak in opposition to the request. Public Hearing closed at 6:31 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Harvey to adopt Resolution No. 12-05 approving Conditional Use Permit No. 12-03. Motion carried with the following vote (5-0-1-1):

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

NEW PUBLIC HEARINGS

3. General Plan Amendment No. 12-01, Zone Change No. 12-01, and Conditional Use Permit No. 12-02

Chairman Vose opened the public hearing at 6:32 p.m. to hear a request by US Topco Energy, Inc., to (1) amend the General Plan land use designation for the subject properties from UR (Urban Residential), O (Open Space), C (Commercial), and OP (Office Professional) to P (Public Use) and UR (Urban Residential); (2) rezone subject properties from R-7,000 (Single Family Residential, minimum lot size 7,000 square feet), PK (Park), CPD (Commercial Planned Development), S (School) and OP (Office Professional) to P (Public Use), and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet); and (3) construct a total of 7.5 megawatts of photovoltaic solar generating facilities in the Public Use (P) Zone, located on two separate sites: (1) 16± acres at the southeast corner of Avenue H-8 and Division Street; and (2) 9± at the northeast corner of 3rd Street East and Kettering Street.

The staff report was read by Jocelyn Swain. An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Applicant's engineer, Brian Glidden, was available for any questions the Commission may have.

Speakers in opposition:

Speaker Louis Capasso stated his only complaint is the driveway for the school (Desert Winds), and added the driveway should be relocated to 5th Street East instead of Kettering Street. He stated he does not want the wrought iron fence and 10-foot landscape in his front yard. He is retired and did not want to lose his home to a potential zone change. Chairman Vose interjected that the project was not for a residential zone change. Louis Capasso suggested a block wall would be better than a wrought iron fence. He lives at 408 East Kettering Street, and the driveway from the school currently exits to 3rd Street East. He is concerned that the proposed driveway of the school would run right into his front yard, and this would pose a danger to his home with student drivers departing the campus.

Speaker Val Holt stated that part of her concerns were the same as Louis Capasso, and asked the Commission if the residents could get some type of guarantee that there would not be a zone change on their residences, as is proposed at 3rd Street East and Kettering Street. She was concerned that a zone change on 3rd Street East and Lightcap Street would cause the property value to plummet. Chairman Vose again explained that the zone change proposed was for public use, and there are no plans for a residential zone change in the existing residential area. She

expressed concerns the residents did not stand a chance in defeating the project, because the high school district have had all of their needs met. She concluded that if the driveway relocation were to be done as suggested by Louis Capasso, the proposed project would be satisfactory to the residents.

Speaker Deborah Colvin stated she moved in the area in 2006, and was concerned about the property value. She was informed at that time that a park would be constructed in the area for youth baseball; she inquired about the status of the park. Chairman Vose stated that the property to the south of her home, identified as GPA 12-01/ZC-01 would be changed to residential zoning, which would match the property to the north where she lives. He added that the proposed project is a solar photovoltaic energy generating site, and should make a good neighbor. Deborah Colvin asked Chairman Vose if her electric bill would be less, and he responded that he could not guarantee the electric bill would be less. She concluded her concern was the property value and the noise in her backyard from the on-going project. Chairman Vose responded that the project would be completed expeditiously, and that the solar plant makes very little noise while operating.

Brian Ludicke stated that many people are uncomfortable with construction in residential areas, and the development of solar facilities is less involved than the development of a park. He addressed the concern of potential additional zone changes or general plan changes, stating that an applicant could not file for a general plan amendment or zone change on any property without the permission of the property owner(s).

Chairman Vose stated that development of the MACC facility by the County of Los Angeles at the northeast corner of Avenue I and 3rd Street East has commenced, and will provide healthcare needs to serve the entire Antelope Valley community; Brian Ludicke affirmed. Chairman Vose inquired if the City also owned the remaining property to be developed on the north side of Avenue I; Brian Ludicke affirmed, and responded, in reference to the concerns of the park and baseball diamonds, that the City's long-term plan is to move forward when the baseball leagues are ready to move forward.

Commissioner Hall inquired about the issue of the driveway from the school, and if there was an agreement between the City and the residents regarding the location of the driveway. Jocelyn Swain stated that Public Works staff searched the Desert Winds project file for any agreement between the neighbors and the City, and none was found. Therefore, it does not appear that the agreement was made with the City; the agreement may have been made with the school district.

Chairman Vose commented that the staff recommendation points out the potential of the applicant to install barbed wire on top of the proposed six-foot-high tube steel fence had not been seen before, and opined that to have a barbed wire barrier would seem to be ineffective, especially aesthetically. He expressed that he was not in favor of the condition concerning the use of barbed wire, however, he trusts the decision made by staff.

Brian Ludicke stated it was not the intent of the applicant to place barbed wire on the fence; the expectation is that the metal tube fence would be adequate for security. Placement of any type of razor or wire was to be avoided; barbed wire would be allowed only if it was determined there was a need to prevent access into the facility. Therefore staff added the condition allowing barbed wire.

Chairman Vose stated there were numerous modifications, added conditions and mitigation measures, and inquired if the applicant agreed with the changes. Jocelyn Swain affirmed.

Commissioner Terracciano asked staff if there was an option to place a block wall on the Kettering Street side of the site if the applicant proposed to do so. Brian Ludicke responded the applicant could have requested a block wall, however, a block wall would be easier to scale and provide a place to hide; therefore, the need for security would increase. The metal fence was selected most appropriate for the site versus the chain link fence, which is most commonly used on school site areas.

Chairman Vose stated the north side of the school property has tube steel fencing. Jocelyn Swain stated the Desert Winds School has the tube steel fencing, and the school at Avenue H-8 and Division Street has a block wall. Commissioner Hall noted that block walls could also be a canvas for graffiti taggers.

Public Hearing closed at 6:54 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to adopt Resolution No. 12-07 approving General Plan Amendment No. 12-01 and Zone Change 12-01. Motion carried with the following vote (6-0-0-1):

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

It was moved by Commissioner Harvey and seconded by Commissioner Cook to adopt Resolution No. 12-08 approving Conditional Use Permit No. 12-02. The approval of CUP No. 12-02 is not valid until the effective date of Zone Change No. 12-01. Motion carried with the following vote (6-0-0-1):

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

Brian Ludicke announced that the neighbors of the proposed project would be informed of the date of the public hearing for General Plan Amendment No. 12-01 and Zone Change No. 12-01 before the City Council; individuals would also be allowed to voice their concerns at the City Council Meeting (tentatively scheduled for May 8, and May 22, 2012).

4. Conditional Use Permit No. 12-05

Chairman Vose opened the public hearing at 6:56 p.m. to hear a request by Nick's Pizzeria (Dale Maier), to add live entertainment on Friday and Saturday nights to an existing restaurant in the CPD (Commercial Planned Development) Zone, located at 43755 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. There were none in the audience who wished to speak in opposition to the request. Public Hearing closed at 6:57 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Harvey to adopt Resolution No. 12-09 approving Conditional Use Permit No. 12-05. Motion carried with the following vote (6-0-0-1):

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

5. General Plan Housing Element (2006-2014)

Chairman Vose opened the public hearing at 6:58 p.m. to hear a request by the City of Lancaster to update the Lancaster General Plan Housing Element to address housing needs for planning period January 1, 2006, to June 30, 2014, located City-wide.

The staff report was presented by Chuen Ng. He stated that without the State Department of Housing and Community Development (HCD) certification, the City stands to lose significant funding for affordable housing developments and downtown/neighborhood revitalization efforts.

Commissioner Terracciano inquired if the State would approve grants with the corrections or updates made to the Housing Element. Chuen Ng responded that staff is uncertain about certification being granted; however, he believes that the draft element demonstrates that the City's group home licensing ordinance does not constrain the location of group home facilities, which is the remaining concern of HCD.

Commissioner Hall expressed his concerns on grant monies for program providing group homes, and the supervision ratio of probation officers for newly released inmates. He also questioned the responsible agency for the Lancaster Community Homeless Shelter as noted in the Housing Element Plan, and the update of charities. Chuen Ng stated that the current updates and revisions were according to State requirements, and the next update to be carried out in October 2013 would address concerns that were mentioned. Commissioner Hall noted that grant monies were urgently needed to lower crime rates with special programs in the service industries.

Chairman Vose directed staff to delete the first paragraph of Resolution No. 12-10 (“Whereas,” clause). Staff affirmed and noted to change.

There were none in the audience who wished to speak in opposition to the request. Public Hearing closed at 7:09 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Terracciano to receive public testimony on the General Plan Housing Element and adopt Resolution No. 12-10 (striking first paragraph “Whereas” clause), recommending to the City Council approval of an update of the General Plan Housing Element, in accordance with the corrections provided by State Department of Housing and Community Development (HCD) (see Exhibit “A”). Motion carried with the following vote (6-0-0-1):

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

DIRECTOR'S ANNOUNCEMENTS

Chairman Vose commended Dan Jacobs for the front page article in the Valley Press.

COMMISSION AGENDA

Commissioner Hall commented in reference to the General Plan Housing Element, and expressed that the Commission should be proactive, and not reactive, because of the awareness; set the groundwork to build on the infrastructure to prepare for the future. Chairman Vose concluded the Commission is looking forward to the challenge.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 7:13 p.m., to the Special Meeting for Agenda Review on Monday, May 14, 2012, 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