

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

April 16, 2007

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### CALL TO ORDER

Chairman Mann called the meeting to order at 7:11 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, Troth, Vice Chairman MacPherson and Chairman Mann.

Absent: Commissioner Salazar and Planning Director, Brian Ludicke

Also present were the Deputy City Attorney (Doug Evertz), Principal Planner (Silvia Donovan), Principal Civil Engineer (Carlyle Workman), Senior Civil Engineer (Marissa Diaz), Assistant Planners (Brigitte Ligons and Dan Miller), Recording Secretary (Joy Reyes), and an audience of approximately 28 people.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Troth and seconded by Commissioner Faux to approve the Minutes of the Regular Meeting of March 19, 2007. Motion carried with the following vote:

AYES: Commissioners Faux, Troth, Vice Chairman MacPherson and Chairman Mann

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Salazar

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**NEW PUBLIC HEARINGS**

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**2. MOBILEHOME PARK CONVERSION ORDINANCE**

Chairman Mann opened the public hearing at 7:13 p.m. to hear a proposal for the adoption of Chapter 11.12 of the Lancaster Municipal Code establishing requirements for the conversion of mobilehome parks to another use, and adoption of minor amendments to Chapter 16 (Subdivision ordinance) and Chapter 17 (Zoning Ordinance) of the Lancaster Municipal Code as necessary to provide reference to proposed Chapter 11.12.

Deputy City Attorney Doug Evertz gave a synopsis of the events leading to the presentation of the staff report. He presented the staff report and the legal memorandum which identifies in detail the changes that were or were not made to the original draft ordinance based on the discussion on some of the questions and issues that arose at the Special Meeting of February 12, 2007. The legal memorandum also includes a discussion comparing the City's draft ordinance and the City of Los Angeles Ordinance. City Attorney cited that his office made every effort to create a strong ordinance with wide discretion for the Commission and City Council to adopt reasonable mitigation measures for a closure or conversion of a mobilehome park. He further stated that this ordinance is designed to protect the tenants, as well as provide standards that can be applied uniformly to the owners.

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

Speakers John D. Wall and Mary Jane Wall expressed their gratitude for presenting a very good ordinance, and requested approval for this agenda item.

Speaker Ray Chavira pointed out that what he previously recommended was the Huntington Beach ordinance and not the Los Angeles Ordinance. He requested for explanation from the Deputy City Attorney as to why his office chose not to pursue the comprehensive ordinance of the City of Huntington Beach. Mr. Chavira hoped to have the Huntington Beach Ordinance as the model for the City's proposed ordinance for its definition of reasonable relocation. Mr. Chavira also alluded to the need of a comprehensive protection package which includes effective code enforcement and police patrolling for residents of affordable housing.

Speaker Ken Jones, Lancaster Baptist Church administrator for adult seniors, commended the Commission for caring and listening to the concerns of the residents at the special meeting. He was concerned that the proposed ordinance may be lacking "teeth", and would like to see the City take more risks in order to protect the interest of its senior citizens by adding similar measures from the Huntington Beach ordinance. Chairman Mann also pointed out later that Item No. 5 under Section 11.12.050.E, is clear on actions and how the Commission would make appropriate recommendations.

Speaker Jeanette Langlois, in reference to the mobilehome park replacement value, recommended that the Commission consider adding the following language from the Huntington Beach ordinance that states "... but at no time shall the value of the manufactured home be less than the replacement cost of a new home of similar size and square footage." The Deputy City Attorney later replied that this is the very language that is the subject of the Huntington Beach litigation, and it is his recommendation that the Commission do not include it.

Chairman Mann closed the public hearing at 7:23 p.m.

Vice Chairman MacPherson commended Deputy City Attorney Doug Evertz for presenting a clear and comprehensive draft ordinance. He asked for clarification on the twelve mitigation measures listed under Section 11.12.050.E, (Application for Change of Use – Public Hearing – Findings), The Deputy City Attorney affirmed that it is not all inclusive, and that the intent of the ordinance is to provide a list of mitigation measures that could be considered by the commission. It is contemplated that each case will be determined on a case by case basis, and that there may be unique sets of facts and circumstances that would require the Commission to come up with a unique action that fit that particular circumstance, and that discretion is vested in the Commission through this ordinance.

Vice Chairman MacPherson respects the flexibility of the ordinance, and inquired if in five or ten years from now this ordinance would give the people a fair and adequate representation of the significance of the mitigation measures that the Commission would like to impose. The Deputy City Attorney responded that per his review, this draft ordinance is much more inclusive and comprehensive than most of the ordinances adopted by other cities, with the exception of the Huntington Beach Ordinance which currently is the subject of a legal challenge.

Vice Chairman MacPherson stated that at the last meeting, the Commission made specific mention of additional mitigation measures in order to allow for the ordinance to extend special protection towards seniors. The Deputy City Attorney indicated that the reason specific language were not included addressing seniors or low income residents is because the measures that can be adopted by the Commission, and ultimately the City Council, require that reasonable mitigation measures be adopted, regardless of age, race, or social standing. If additional redundant language is added, it may be perceived as requiring something above and beyond a feasible mitigation measure, and the added language could be interpreted as going beyond what is legally allowed by the statute. However noble the Commission's intention may be, adding this type of language may create legal challenges. The Commission reaffirmed that this is not at all the intent, and that instead the Commission want an ordinance that can be enforced to protect the citizens.

Vice Chairman MacPherson posed a hypothetical question whereby a mobilehome park owner presents a tenant with a buy-out of \$1.00, and asked the Deputy City Attorney if the proposed ordinance would have any measures to prevent this hypothetical situation from happening. Doug Evertz indicated that the change in language from "may" to "shall" previously recommended by the Commission under Section 11.12.050.E. would provide that protection.

Commissioner Troth inquired that when a mobilehome reaches a certain age whether the mobilehome park owner have the right to transfer or move the mobilehome out of the park. The Deputy City Attorney stated that if that is in fact the law, and the park owner is compliant with the state mandated law, the park owner would be allowed to move or transfer the mobilehome.

Chairman Mann commended Doug Evertz on the comprehensive draft ordinance. He reasserted that, as Planning Commissioners, they have the responsibility to protect the housing stock within the City of Lancaster, and the public is not always aware that the mobilehome parks must meet the litmus test for the State of California's low income housing. The city is required by law to maintain a percentage of the City's housing inventory for low income housing. He is pleased and confident that the ordinance being presented addresses all the concerns.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Faux to adopt Resolution No. 07-10, recommending to the City Council approval of the proposed Mobilehome Park Conversion Ordinance (Chapter 11.12) and the related amendments to Chapter 16 and 17 of the Lancaster Municipal Code. Motion carried with the following vote:

AYES: Commissioners Faux, Troth, Vice Chairman MacPherson and Chairman Mann  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Salazar

### **3. TENTATIVE TRACT MAP NO. 52719 – ONE-YEAR EXTENSION**

Chairman Mann opened the public hearing at 7:48 p.m. to hear a request by First Pacifica Housing Corp. for a subdivision of 80 single family lots in the R-7,000 Zone on 20± gross acres located on the northeast corner of Avenue K and 50<sup>th</sup> Street West.

The staff report was presented by Silvia Donovan. There was a speaker in the audience who wished to comment, as follows:

With regards to tentative tract maps 52719 and 66802 (Item Nos. 3 and 6 of this agenda), as well as other projects under construction in the area, Speaker Joseph Durét was concerned with the dust, and the lack of school, fire and sheriff services to support new residents coming in to the area as a result of these projects. He recommended that the Commission reconsider requiring currently approved projects to finish construction before approving new projects.

Chairman Mann closed the public hearing at 7:50 p.m.

Chairman Mann elucidated that this agenda item is simply a request for an extension in order to allow the completion of a traffic study, and does not consummate the tract map. He added that having a vested tract map does not guarantee that the project will be built.

It was moved by Commissioner Faux and seconded by Commissioner Troth to grant a two-month extension to June 18, 2007, in order to allow completion of a Traffic Study. Motion carried with the following vote:

AYES: Commissioners Faux, Troth, Vice Chairman MacPherson and Chairman Mann  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Salazar

**4. TENTATIVE TRACT MAP NO. 63137**

Chairman Mann opened the public hearing at 7:49 p.m. to hear a request by Dear Properties for a subdivision of 75 single family lots in the R-7,000 Zone on 20.36± gross acres located on the northwest corner of Avenue J and 40<sup>th</sup> Street East.

The staff report was presented by Brigitte Ligons. A letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman closed the public hearing at 7:52 p.m.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Troth to adopt Resolution No. 07-18 approving Tentative Tract Map No. 63137. Motion carried with the following vote:

AYES: Commissioners Faux, Troth, Vice Chairman MacPherson and Chairman Mann  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Salazar

**5. TENTATIVE PARCEL MAP NO. 64965**

Chairman Mann opened the public hearing at 7:53 p.m. to hear a request submitted by Lancaster Two Trust for a subdivision for 48 single family lots in the R-7,000 Zone on 11.4± gross acres located on the northwest corner of Challenger Way and Avenue H-4.

The staff report was presented by Dan Miller. A letter of agreement to the conditions of approval as stated in the staff report was submitted, and the applicant also came forward to concur. There were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:58 p.m., whereby Commissioners discussion ensued.

It was moved by Commissioner Troth and seconded by Commissioner Faux to adopt Resolution No. 07-19 approving Tentative Tract Map No. 64965. Motion carried with the following vote:

AYES: Commissioners Faux, Troth, Vice Chairman MacPherson and Chairman Mann  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Salazar

**6. TENTATIVE PARCEL MAP NO. 66802**

Chairman Mann opened the public hearing at 7:58 p.m. to hear a request submitted by Robert L. Miller for a parcel map for a subdivision for 110 single family lots in the R-10,000 Zone on 40.3± gross acres located on the northeast corner of 70<sup>th</sup> Street West and Avenue L-8.

The staff report was presented by Dan Miller. A letter of agreement to the conditions of approval as stated in the staff report was submitted. There was a speaker in the audience who wished to comment, as follows:

Speaker Joseph Durét restated his concerns about school, fire and sheriff services not being considered as new tracts are approved, and inquired whether land is provided by the City to the School District to build new schools. He later inquired whether a developer with approved tentative tract map are required to resubmit construction permit.

Chairman Mann explained that when tract maps are built, there are mitigation fees that are paid into the City funds, and a portion of these fees are funds that are directly paid to the School District and used to build new schools as per the direction of the State of California. This is a mandated State law, therefore, the City has no jurisdiction over the school fees and the manner of how these funds are collected and disbursed. The City, however, is required by law to ensure the fees are collected before building permits are issued.

Principal Planner Silvia Donovan added that the City of Lancaster is currently working with the School District to identify different locations for school sites. As the funds are allocated to the State, the State then pays the developer for the proposed school sites. Ms. Donovan made mention some of the locations within the City where schools sites are being proposed.

Principal Engineer Carlyle Workman expanded on the procedure after a tentative map is approved. A Planning Commission action taken would provide an approved tentative tract map, at which point, the developer would have to go through Engineering to prepare plans. Once all the requirements are met and permits are issued, the map then becomes a vested map. He further stated that developers do have the option to either develop or sell the vested map. Developers are less likely to build tract homes unless there is a strong market demand. However, the City does not have the ability to deny a tentative map regardless of the market demand.

Speaker David Walker was concerned about the large number of new home construction in the area that has created problems on the traffic flow on the major intersection of Avenue M and 60<sup>th</sup> Street West, and the ingress and egress from his community. He's also concerned with the inadequate drainage and dust control, and recommends that these issues be considered for any new developments that are proposed in the area.

Chairman Mann closed the public hearing at 8:16 p.m.

Carlyle Workman addressed the concerns of Speaker David Walker by citing that Avenue L-8 is currently a dirt street, and that this project will make a connection to close the gap and provide a secondary arterial street to prevent intruders from venturing into the desert. The City is making improvements to increase the capacity of the streets to handle all the additional traffic. In addressing drainage concerns, none of the drainage from this project site will flow to or through the Quartz Hill High School. This project's drainage will be intercepted by two separate

storm drain systems that will convey the water north of Avenue L. The existing drainage concerns at the high school will be addressed by the additional developments to the north of the school.

Chairman Mann asked Carlyle Workman to address the dust control issue. Mr. Workman stated that any projects requiring grading permit, developers are required to submit a dust control plan to the Antelope Valley Air Quality Control District for approval before applying for a grading permit. The dust control plan presented requires that they adhere to rule 403 of the District which contains many different regulations. Any time that dust becomes an issue, the District may shut down the project. Additionally, the City also has its own dust control requirements, which includes but not limited to erosion control plans and pre-watering. It is certain, however, that in order to balance the project site, grading must be done to the entire project site, and not in segments, as materials are moved from one area to another. Mr. Workman added that with winds of 70 miles per hour, as what occurred in the prior week, it would be impossible to control dust under these natural conditions.

Chairman Mann noted that one way to address dust control concerns would be for residents to contact the Antelope Valley Air Quality Control District or the City.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Troth to adopt Resolution No. 07-20 approving Tentative Tract Map No. 66802. Motion carried with the following vote:

AYES: Commissioners Faux, Troth, Vice Chairman MacPherson and Chairman Mann  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Salazar

## **DIRECTOR'S ANNOUNCEMENTS**

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None.

## **COMMISSION AGENDA**

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Vice Chairman MacPherson commented on the Amargosa Creek Specific Plan project, as follows:

- Pedestrian access which links 10<sup>th</sup> Street West to the center of the plaza be maintained and strengthened, especially from the central drive aisle, without blocking the view.
- After looking at the massing study conducted on the central plaza area showing one-story build-out, it has become evident that the one-story massing does not provide the containment from the elements or the potential for added security expressed by a number of the public, as well as the Planning Commission and City Council. He recommended that as

this project moves forward that a second-story, and possibly a third story, around the plaza be considered. This would strengthen the containment at that location.

**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS**

None.

**ADJOURNMENT**

Chairman Mann declared the meeting adjourned at 8:35 p.m. to Monday, May 14, 2007, at 5:30 p.m., in the Planning Conference Room, Lancaster City Hall.

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KENNETH G. MANN, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster