

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

September 21, 2015

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CALL TO ORDER

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

INVOCATION

Pastor John Meadors, Christian Life Assembly.

PLEDGE OF ALLEGIANCE

Commissioner Cook.

ROLL CALL

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

Absent: Commissioner Coronado.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), City Engineer (Michelle Cantrell), Associate Planner (Chuen Ng), Associate Planner-Environmental (Jocelyn Swain), Assistant Planner (Randie Davis), and Recording Secretary (Joy Reyes). There were approximately 24 people in the audience.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Malhi and seconded by Commissioner Terracciano to approve the Minutes from the Regular Meeting of August 17, 2015. Motion for the Regular Meeting carried with the following vote (4-0-2-0-1):

AYES: Cook, Terracciano, Hall, and Vose.

NOES: None.

ABSTAIN: Harvey and Malhi.

RECUSED: None.

ABSENT: Coronado.

NEW PUBLIC HEARINGS

2. ONE-YEAR EXTENSIONS**a. Conditional Use Permit No. 11-05**

Chairman Vose opened the discussion at 6:07 p.m., to hear a request for a one-year time extension by Sustainable Power (sPower) Group, LLC, to construct a 20 megawatt (MW) photovoltaic solar generating facility in the Rural Residential 2.5 (RR-2.5) Zone, located on 80± gross acres at the east side of 80th Street West between Avenue J-4 and Avenue J-8.

The staff report was presented 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 representative Garret Bean was present to answer inquiries or concerns.

Vice Chair Hall's voiced concerns regarding megawatt production per year from an article he read by KCET.

One speaker card received from William Yates; he waived to speak on Item 2.a. Public hearing closed at 6:10 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to grant a one-year extension to September 19, 2016, based on the findings contained in the staff report, and subject to the revised conditions list, Attachment to Resolution No. 11-16. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

b. Conditional Use Permit No. 12-09

Chairman Vose opened the discussion at 6:10 p.m., to hear a request for a one-year time extension by Sustainable Power (sPower) Group, LLC, to construct a 40 megawatt (MW) photovoltaic solar generating facility in the Rural Residential 2.5 (RR-2.5) Zone, located on 158± gross acres at the southwest corner of Avenue H and 100th Street West.

The staff report was presented 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.

Vice Chair Hall's concerns regarding megawatt production per year were addressed by Garret Bean.

One speaker card received from William Yates; he also waived to speak on Item 2.b. Public hearing closed at 6:18 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Cook to grant a one-year extension to December 13, 2016, based on the findings contained in the staff report, and

subject to the revised conditions list, Attachment to Resolution No. 12-23. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

c. Tentative Tract Map No. 60367

Chairman Vose opened the discussion at 6:19 p.m., to hear a request for a one-year time extension by Royal Investors Group, LLC, to subdivide 129 single family lots in the R-7,000 and R-10,000 Zones, located on 30± gross acres at the northeast corner of Lancaster Boulevard and 37th Street East.

The staff report was presented by Chuen Ng. Applicant representative Jim Powers was present and requested a one-month or 60-day continuance.

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

Brian Ludicke stated that a 60-day continuance would give staff time to discuss Policy 18.2.3, as mentioned in the staff report with the applicant. There was extensive discussion concerning municipal finance, land use patterns, single-family development, and Assembly Bill 1303.

It was moved by Vice Chair Hall and seconded by Commissioner Malhi to continue Tentative Tract Map No. 60367 to the November 16, 2015, regular meeting. Motion carried with the following vote (5-1-0-0-1):

AYES: Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: Cook.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

d. Tentative Tract Map No. 60870

Chairman Vose opened the discussion at 6:42 p.m., to hear a request for a one-year time extension by Civil Design and Drafting, Inc., to subdivide 44 single family lots in the R-7,000 Zone, located on 12± gross acres at the east side of 20th Street West approximately 660 feet south of Avenue I.

The staff report was presented by Chuen Ng. The applicant was not present.

One speaker card received from Michele Souder in opposition to the project. She expressed that she needed clarification of the process for extension. Chairman Vose explained the process.

Public hearing closed at 6:47 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to deny the request for one-year extension, based on the findings contained in the staff report. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

e. Tentative Tract Map No. 61677

Chairman Vose opened the discussion at 6:48 p.m., to hear a request for a one-year time extension by JemStreet Properties, to subdivide 58 residential lots in the R-7,000 Zone, located on 15± gross acres at the southwest corner of Avenue K and future 57th Street West.

The staff report was presented by Chuen Ng. Applicant John Friedman was present and inquired clarification of changes in the staff report.

RECESS

Chairman Vose recessed the regular meeting at 6:50 p.m.

RECONVENE

Chairman Vose reconvened the regular meeting at 7:00 p.m.

Applicant Friedman stated he understands and accepts all conditions. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 7:00 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to grant a one-year extension to August 15, 2016, based on the findings contained in the staff report, and subject to the revised conditions list, Attachment to Resolution No. 05-47. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

f. Tentative Tract Map No. 61678

Chairman Vose opened the public hearing at 7:01 p.m., to hear a request for a one-year time extension by Royal Investors Group, LLC, to subdivide 58 single family lots in the R-7,000 Zone, located on 15.14± gross acres at the southeast corner of Avenue K and future 57th 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, and there were none in the audience who wished to speak in opposition to the request.

Public hearing closed at 7:01 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Cook to grant a one-year extension to September 18, 2016, based on the findings contained in the staff report and subject to the revised conditions list, Attachment to Resolution No. 06-67. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

g. Tentative Tract Map No. 62349

Chairman Vose opened the public hearing at 7:03 p.m., and informed that the request for a one-year time extension by United Engineering Group had been withdrawn; no further action required.

There were no speaker cards. Public hearing closed at 7:04 p.m.

h. Tentative Tract Map No. 63282

Chairman Vose opened the public hearing at 7:04 p.m., to hear a request for a one-year time extension by Civil Design and Drafting, Inc., to subdivide 177 single family lots in the MU-N (Mixed Use-Neighborhood) Zone, located on 47.2± gross acres at the northwest corner of Avenue I and 40th Street West.

The reading of the staff report was waived. There were no speaker cards. Public hearing closed at 7:04 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Terracciano to deny the request for a one-year extension, based on the findings contained in the staff report. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

i. Tentative Tract Map No. 63283

Chairman Vose opened the public hearing at 7:05 p.m., to hear a request for a one-year time extension by Civil Design and Drafting, Inc., to subdivide 85 single family lots in the MU-N (Mixed Use-Neighborhood) Zone, located on 20.3± gross acres at the northeast corner of 42nd Street West and Avenue I.

The reading of the staff report was waived. There were no speaker cards. Public hearing closed at 7:06 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to deny the request for a one-year extension, based on the findings contained in the staff report. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

j. Tentative Tract Map No. 64877

Chairman Vose opened the public hearing at 7:08 p.m., to hear a request for a one-year time extension by Royal Investors Group, LLC, to subdivide 41 single family lots in the R-7,000 Zone, located on 9.42± gross acres at the northeast corner of 20th Street East and Nugent Street.

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, and there were none in the audience who wished to speak in opposition to the request.

Public hearing closed at 7:08 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Terracciano to grant a one-year extension to August 21, 2016, based on the findings contained in the staff report, and subject to the revised conditions list, Attachment to Resolution No. 06-63. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

k. Tentative Tract Map No. 65186

Chairman Vose opened the public hearing at 7:09 p.m., to hear a request for a one-year time extension by Stantec Consulting, to subdivide 73 single family lots in the R-7,000 Zone, located on 17.7± gross acres at the northeast corner of Avenue J and 42nd Street West.

The staff report was presented by Chuen Ng. A contested hearing letter was received from the applicant.

Applicant representative Jack Hartung addressed the Commission, and requested a 60-day continuance to consult with staff. He expressed he would prefer the one-year extension.

Brian Ludicke explained staff's concerns of map redesigning and expense. There was further discussion of the requirements and conformance of maps according to the subdivision ordinance.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 7:19 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to deny the request for a one-year extension, based on the lack of findings contained in the staff report. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

I. Tentative Parcel Map No. 72266

Commissioner Malhi recused himself from the hearing due to his residence in close proximity of the project, and left the dais.

Chairman Vose opened the public hearing at 7:21 p.m., to hear a request for a one-year time extension by Dennis Pursley, to subdivide four single-family lots in the RR-1 Zone, located on 5± gross acres at the northeast corner of 26th Street West and Avenue L-8.

The reading of the staff report was waived. Applicant Dennis Pursley was present and addressed the Commission requesting a 60-day extension to consult with staff concerning the conditions of the project.

Staff addressed and discussed the requirements or adjustments that the applicant would need for the extension of the project.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 7:31 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Cook to grant a 60-day extension to November 16, 2015. Motion carried with the following vote (5-0-0-1-1):

AYES: Cook, Harvey, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: Malhi.
 ABSENT: Coronado.

Commissioner Malhi returned to the dais.

3. GENERAL PLAN AMENDMENT NO. 14-03, ZONE CHANGE NO. 14-03, CONDITIONAL USE PERMIT NOS. 14-15a, 14-15b, 14-15c, 14-15d, 14-15e, 14-15f, 14-16a, and 14-16b

Chairman Vose opened the discussion at 7:33 p.m., to hear a request by Sustainable Power (sPower) Group, LLC, to: (1) amend the General Plan land use designation for the subject properties

from NU (Non-Urban Residential), UR (Urban Residential); (2) rezone subject properties from from R-7,000 (single family residential, minimum lot size 7,000 square feet), R-10,000 (single family residential, minimum lot size 10,000 square feet), and R-15,000 (single family residential, minimum lot size 15,000 square feet) to RR-2.5 (Rural Residential, minimum lot size 2.5 acres); and (3) construct and operate a 100-megawatt (MW) photovoltaic solar generating facility in the RR-2.5 Zone; located on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93rd Street West, and 107th Street West.

The staff report was presented by Jocelyn Swain. An uncontested hearing letter was received from the applicant indicating agreement to the conditions of approval as stated in the staff report. Applicant representative Garret Bean was present and confirmed to Commission of his agreement to the conditions in the staff report.

There was one speaker card from William Yates who had left the meeting. Public hearing closed at 7:42 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 15-19 certifying the Final Environmental Impact Report (EIR), adopting the necessary environmental findings, and recommending to the City Council approval of an amendment to the adopted General Plan of the City and an amendment to the adopted Zoning Plan for the City, known as General Plan Amendment No. 14-03 and Zone Change No. 14-03. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Commissioner Malhi and seconded by Commissioner Terracciano to adopt Resolution No. 15-20 approving Conditional Use Permit No. 14-15a. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 15-21 approving Conditional Use Permit No. 14-15b. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Commissioner Cook and seconded by Commissioner Malhi to adopt Resolution No. 15-22 approving Conditional Use Permit No. 14-15c. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to adopt Resolution No. 15-23 approving Conditional Use Permit No. 14-15d. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Commissioner Malhi and seconded by Commissioner Terracciano to adopt Resolution No. 15-24 approving Conditional Use Permit No. 14-15e. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 15-25 approving Conditional Use Permit No. 14-15f. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 15-26 approving Conditional Use Permit No. 14-16a. The approval of Conditional Use Permit No. 14-16a is not valid until the effective date of General Plan Amendment No. 14-03 and Zone Change No. 14-03. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 15-27 approving Conditional Use Permit No. 14-16b. The approval of Conditional Use Permit No. 14-16b is not valid until the effective date of General Plan Amendment No. 14-03 and Zone Change No. 14-03. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

NEW BUSINESS

4. ADOPTION OF STANDARD CONDITIONS FOR CONDITIONAL USE PERMITS OF ONSITE SALE AND OFFSITE SALE OF ALCOHOL

Chairman Vose opened the public hearing at 7:49 p.m., to hear a request by staff to approve standardized conditions for onsite and offsite sale of alcohol.

The staff report was presented by Randie Davis.

There was one speaker card from Carlo Shihady, a vendor. He expressed concerns of alcohol container size restrictions.

Public hearing closed at 7:57 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 15-28 approving standardized conditions to be incorporated by reference in approving conditional use permits for Onsite Sale of Alcohol. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 15-29 approving standardized conditions to be incorporated by reference in approving conditional use permits for Offsite Sale of Alcohol. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Coronado.

DIRECTOR'S ANNOUNCEMENT

Acknowledged the Commissioner's patience with the various extensions on the agenda.

COMMISSION AGENDA

Reschedule the Planning Commission meetings of January 18, and February 15, 2016, to January 25, and February 22, 2016, respectively, due to the Martin Luther King, Jr., Day and President's Day holidays, respectively.

It was moved by Commissioner Terracciano and seconded by Commissioner Harvey to approve rescheduling the Planning Commission meetings of January 18, and February 15, 2016, to January 25, and February 22, 2016, respectively, due to the Martin Luther King, Jr., Day and President's Day holidays. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Coronado.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 8:06 p.m., to the Special Meeting for Agenda Review on Monday, October 12, 2015, at 5:30 p.m., in the Parks, Recreation & Arts Conference Room, Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster