

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

September 19, 2016

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CALL TO ORDER

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

INVOCATION

Vice Chair Hall.

PLEDGE OF ALLEGIANCE

Commissioner Smith.

ROLL CALL

Present: Commissioners Cook, Coronado, Harvey, Smith, Vice Chair Hall, and Chairman Vose.

Absent: None.

Also present were the City Attorney (Allison Burns), Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), Principal Planner (Chuen Ng), City Engineer (Michelle Cantrell), Public Safety Director (Lee D'Errico), Assistant Planner (Tim Rosenstein), and Recording Secretary (Joy Reyes). There were 24 people in the audience.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Vice Chair Hall and seconded by Commissioner Smith to approve the Minutes from the Regular Meeting of August 15, 2016. Motion for the Regular Meeting carried with the following vote (6-0-0-0-0):

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

CONTINUED PUBLIC HEARING

2. CONDITIONAL USE PERMIT NO. 16-04

Chairman Vose opened the continued public hearing at 6:05 p.m., to hear a request by Westside Plaza LLC (David Shamsian), to operate a Chevron Extra Mile mini-mart with an Alcohol Beverage Control Type 20 license (off-sale beer and wine) in an existing building and construct a gas station with waiver from distance requirements in an existing shopping center in the Commercial Planned Development (CPD) Zone, located at 42015 10th Street West (South portion of Westside Plaza).

The staff report was presented by Tim Rosenstein. An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report; applicants were present. There were no speaker cards.

Lee D'Errico spoke to the Commission regarding the Alcohol Beverage Control (ABC) criteria when reporting crime statistics in districts, and explained that the ABC form does not adequately identify criminal activities that surround any particular business. He informed that the reporting District 1124 is a huge reporting district in the area that encompasses a large area going significantly west all the way to Sierra Highway, Avenue L, and Avenue M. Calls for service included in the ABC crime statistics sheet consist of calls from the Courthouse, traffic accidents, and deputies' self-initiated activities. He recommended that staff provide the Commission with specific information that includes the type of calls being reported and the location in district.

The Commission and Staff discussed various topics relating to the sale and regulation of alcohol and its effects on the community:

- Correlation between alcohol sales and increase in crime
- Types of alcohol businesses requiring calls for service
- Sales of alcohol along major traffic corridors
- Public safety and health
- City's distance requirements

Jeff Little, applicant's representative, informed the Commission he was able to answer any questions regarding the proposed project.

Public hearing closed at 6:21 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Coronado to adopt Resolution Number 16-05, with the following modifications:

- Alcohol sales are specifically not approved, so Finding # 1 is modified to read as follows:
 - "The proposed use of a mini-mart and gas station is in conformance with the General Plan land use designation of Commercial (C)."
- Findings # 6 and # 7 are deleted.

- Condition No. 1 is hereby modified to remove the reference to Planning Commission Resolution No. 15-29, and replace it with reference to Planning Commission Resolution No. 10-23. Staff is hereby directed to modify further Condition No. 1 with respect to the standard conditions listed in Planning Commission Resolution No. 10-23 to meet the intent of the Commission's action in approving the proposed use without alcohol sales.
- Conditions No. 2 and 3 are hereby deleted.
- A revised Condition No. 2 is added to state: "The sale of alcoholic beverages from the mini-mart is strictly prohibited."

Motion failed to approve with the following vote (3-3-0-0-0):

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

It was moved by Vice Chair Hall and seconded by Commissioner Smith to adopt Resolution No. 16-05 approving Conditional Use Permit No. 16-04. Motion failed to approve with the following vote (3-3-0-0-0):

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

3. TENTATIVE TRACT MAP NO. 66680, TENTATIVE PARCEL MAP NOS. 69747 AND 70303

Chairman Vose opened the continued public hearing at 6:25 p.m., to hear a request by STG Stoneridge Ranch, Inc., Tentative Tract Map No. 66680 to subdivide 238 single-family lots, (128 lots within the R-7,000 Zone, 89 lots within the R-10,000 Zone, and 21 lots within the R-15,000 Zone); Tentative Parcel Map No. 69747 to subdivide property west of 55th Street West into two parcels; Tentative Parcel Map No. 70303 to subdivide the property east of 55th Street West into two parcels; both parcel maps are for financial purposes to allow the individual parcels to be sold, located on 72.9± gross acres at the southwest corner of 52nd Street West and Avenue K-8.

The staff report was presented by Tim Rosenstein. 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 6:26 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Cook to grant a time extension to August 18, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 07-54. Motion carried with the following vote (6-0-0-0-0):

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

NEW PUBLIC HEARINGS

4. ONE-YEAR EXTENSIONS

a. Tentative Tract Map No. 60367

Chairman Vose opened the public hearing at 6:26 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 129 single-family lots in the R-7,000 Zone, located on 30± gross acres on the northeast corner of Lancaster Boulevard and 37th Street East.

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 6:27 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to grant a one-year extension to September 18, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-66. Motion carried with the following vote (6-0-0-0-0):

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

b. Tentative Tract Map No. 61678

Chairman Vose opened the public hearing at 6:26 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 58 single-family lots in the R-7,000 Zone, located on 15.14± gross acres on 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. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:27 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to grant a one-year extension to September 18, 2017, 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 (6-0-0-0-0):

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

c. Tentative Tract Map No. 63365

Chairman Vose opened the public hearing at 6:26 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 114 single-family lots in the R-7,000 Zone, located on 28± gross acres on the northwest corner of 35th Street East and Avenue J.

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 6:27 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to grant a one-year extension to September 17, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 07-40. Motion carried with the following vote (6-0-0-0-0):

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

5. CONDITIONAL USE PERMIT NO. 89-47 (AMENDED 2)

Chairman Vose opened the public hearing at 6:29 p.m., to hear a request by Life Source International Charter School (Deberae Culpepper), to construct a 5,850 square-foot gymnasium and four 960 square-foot modular classrooms at an existing public elementary charter school in the MDR (Medium Density Residential) Zone, located at 44399 Beech Avenue.

The staff report was presented by Tim Rosenstein. An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Commissioner Coronado inquired to the ownership of the Charter School, and Chairman Vose asked about the recommended 10-year review for modular buildings, with opportunities to grant an additional five years of extensions, and if life expectancy for new modular buildings is 30 – 40 years.

Tim Rosenstein responded that the applicant is the owner of Life Source Charter School. Brian Ludicke responded regarding the review recommendation, stating 10 years is the typical time frame for modular buildings on private school campuses, and would grant an opportunity for staff to look into the maintenance, and other considerations regarding the modular building.

There was one speaker card in opposition to the request.

Speaker Linda Perry stated she bought her house in 2014 and lives across from the school. Her complaint was about the amount of traffic during pick-up when at times traffic can be three lanes wide. She questioned why the school is not building a parking lot on Beech Avenue instead of Cedar Avenue. She stated there is no parking available during school hours, residents of the neighborhood are forced to park on other streets or alleys, and it is creating a safety issue by blocking the road for emergency vehicles. She also expressed that students and parents are disrespectful to the property owners by leaving various items on their property and blocking parking or entry ways.

Public hearing closed at 6:41 p.m.

Brian Ludicke informed Linda Perry of the Safe Routes to School Plan that is being worked on to address many of the issues she spoke about such as traffic and safety. He stated it is difficult to address since vehicles are a main form of transportation for the community and concluded that staff may be able to look into an enforcement aspect to help with traffic concerns.

The Commission and Staff discussed various topics concerning traffic and safety issues.

- Possibility of shifting traffic to Beech Avenue
- Require school to use parking lot for pick-up/drop-off
- Code Enforcement: Safety and Compliance
- Ticketing for repeat non-compliance
- Address safety issues with school
- Engage other operator of charter – Lancaster School District

It was moved by Commissioner Harvey and seconded by Vice Chair Hall to adopt Resolution No. 16-07 approving Conditional Use Permit No. 89-47 Amended 2, directing staff to investigate ways to address the traffic congestion. Motion carried with the following vote (5-1-0-0-0):

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

6. AMENDMENT OF THE LANCASTER MUNICIPAL CODE ALCOHOLIC BEVERAGE ESTABLISHMENTS, AND REPEAL OF PREVIOUSLY ADOPTED ORDINANCE NO. 1013

Chairman Vose opened the public hearing at 7:06 p.m., to hear a request by the City of Lancaster to adopt Ordinance No. XXXX to amend Chapter 17.42 of the Lancaster Municipal Code, Alcoholic Beverage Establishments, and Repeal of Previously Adopted Ordinance No. 1013, City-wide.

Councilman Raj Malhi addressed the commission and stated he believes the subject ordinance will work with everybody by helping to clean up the City and make business owners happy to work with the City, so everyone can work together.

The staff report was presented by Toi Chisom, Assistant to the City Manager. She described the proposed Amendment of the Lancaster Municipal Code Alcoholic Beverage Establishments, and Repeal of Previously Adopted Ordinance No. 1013. She explained that over the past three months, as headed by Council member Malhi, the committee and Staff have met to form a public safety strategy regarding alcohol sales, ensuring the City's position and goals were understood, and acknowledging the specific purpose and charge. This committee has met with business owners and industry professionals, Alcohol Beverage Control and Sherriff Department liaisons to ensure that the solution was viable and responsive to their concerns as well. Ms. Chisom also stated they have identified the best practices for alcohol establishments to consider and implement, as well as identifying the need to create an Alcohol Sales Business Improvement Committee. They have also drafted a new ordinance relating to alcohol beverage establishments focusing on business compliance and cooperation. She also noted with approval from the Planning Commission that this new ordinance would be forwarded to the City Council, and if passed by the City Council, this ordinance would repeal Ordinance No. 1013.

There were four speaker cards.

Speaker No. 1: Mary Trichell, representing W.A. Thompson Distributing Co., stated she was charged with leading the group directed by the Mayor. She said everyone has worked hard to come to a compromise, and is hopeful this will evolve into something that everyone has been looking for.

Speaker No. 2: Myrle McClernon, representing Kinetic Brewing, stated this ordinance simply addresses behavior, which is what was needed to begin with; it is flexible and long-term enough, and has the enforcement angle of compliance vs. punitive action that allows us to work with ourselves while allowing Public Safety the availability to step in.

Speaker No. 3: Steve Kinsey, representing Kinetic Brewing, and serving on the Board of Directors for the Los Angeles Brewers Guild, stated he would like to see Ordinance No. 1013 repealed and the new ordinance to go in its place.

Speaker No. 4: Fran Sereseres commented about the potential Alcohol Sales Business Improvement Committee; how it is for the safety of the community, and stated it will be a sole governing party compiled of volunteers that will not affect the City budget.

Public hearing closed at 7:17 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Coronado to adopt Resolution No. 16-08, recommending to the City Council adoption of Ordinance No. XXXX, and repeal of Ordinance No. 1013. Motion carried with the following vote (6-0-0-0-0):

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

7. POTENTIAL MEDICAL CANNABIS ORDINANCE

Chairman Vose opened the public hearing at 7:20 p.m., to discuss potential medical cannabis ordinances. He informed of the City Council's direction for the Planning Commission to discuss the appropriateness in establishing medical cannabis growers the opportunity to grow medical cannabis within City limits.

Commissioners and staff discussed various issues relating to medical cannabis.

- Usage of current vacant commercial buildings
- Fees and revenue
- Licensing
- Education and rehabilitation
- Safety of residents and Security for growers
- Benefits for the City; potential jobs and usage of facilities
- Indoor and Outdoor growing
- Regulatory measures: CUP, zoning, and requirements or limitations
- Pesticides and THC content

Chairman Vose acknowledged there was no audience during the subject discussion, and no speaker cards had been submitted.

Chairman Vose and the commissioners came to a consensus to continue the hearing to a Special Meeting on Monday, October 3, 2016, at 5:00 p.m., Lancaster City Hall.

DIRECTOR'S ANNOUNCEMENT

None.

COMMISSION AGENDA

Brian Ludicke gave an update on the Zero Net Energy (ZNE) initiative. Staff is continuing to work through the definition, and the City's Building Official is working on a meeting consisting of current active builders so they will have an accurate definition of what ZNE means. Staff expects an update at the next meeting.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 8:14 p.m., to the Special Meeting on Monday, October 3, 2016, at 5:00 p.m., location to be determined, Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster