

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

October 17, 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 Cook.

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), Assistant Planner (Christopher Aune), Senior Civil Engineer (Trolis Niebla), and Recording Secretary (Joy Reyes). There were 24 people in the audience.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Cook and seconded by Vice Chair Hall to approve the Minutes from the Regular Meeting of September 19, 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.

It was moved by Commissioner Cook and seconded by Commissioner Hall to approve the Minutes from the Special Meeting of October 3, 2016. Motion for the Special Meeting carried with the following vote (4-0-2-0-0):

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

NEW PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 16-05

Chairman Vose opened the public hearing at 6:07 p.m., to hear a request by Ray Schneider, to construct a two-story 8,000 square-foot commercial/office building, in the Mixed Use-Transit Oriented Development (MU-TOD) Zone, located at 706 West Milling Street.

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

Brian Ludicke informed the Commission of an e-mail received from a nearby property owner who was not notified by the mailing notice. Instead, the tenant of the property received the notice and dually notified the property owner. As a result, staff investigated the mailing list that was provided by the applicant and discovered that 44 out of 72 notices were incorrect. He informed the Commission this may be a situation where the item should be continued in order to re-notice so all property owners will be notified.

There was one speaker card, Michelle Lowrey, representing her daughter Jessica Tippins-Brannon who was unable to be present. She said that Jessica's concerns are for the safety of her children, their privacy, and she was aware of the properties potential to be built upon prior to the purchase of her home. She also understands the normal business usage Monday through Friday with a normal range of business hours. Her concerns are for her young children; what will be the traffic flow and what type of businesses will occupy the building space. Michelle Lowrey commented that the proposed building is beautiful looking, and her daughter's property extends beyond the lateral side of the image on Elm Avenue.

Chris Aune responded to the concerns for safety and privacy. He explained the requirement of the property owner to build a 10-foot landscape buffer to the property to the south with trees, and having the building offset from the property line. He stated the applicant intends for mainly office use with potential for retail on the bottom floor.

Chairman Vose inquired about the time frame for noticing, as well as the fees the applicant would have to pay for re-noticing.

Public hearing remains open to continue to the November 21st meeting.

It was moved by Vice Chair Hall and seconded by Commissioner Smith to continue Conditional Use Permit No. 16-05 to the November 21, 2016, Planning Commission meeting with direction to re-notice. 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.

3. ONE-YEAR EXTENSIONS

a. Tentative Tract Map No. 61480

Chairman Vose opened the public hearing at 6:19 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 130 single-family lots in the R-7,000 Zone, located on 28.9± gross acres on the northeast corner of Lancaster Boulevard and future 35th 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 6:20 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to October 17, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 05-65. 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. 62121

Chairman Vose opened the public hearing at 6:20 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 115 single-family lots in the R-7,000 Zone, located on 30.3± gross acres on the northwest corner of 40th Street West and Avenue K.

The reading of the staff report was waived since the applicant requested to continue the public hearing to the November 21, 2016 meeting. There were none in the audience who wished to speak in opposition to the request. Public hearing remained open to continue to the November 21, 2016, meeting.

It was moved by Commissioner Smith and seconded by Commissioner Harvey to continue the public hearing to the November 21, 2016, Planning Commission meeting. 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. 63786

Chairman Vose opened the public hearing at 6:21 p.m., to hear a request by Antelope Valley Engineering, to subdivide 37 single-family lots in the R-7,000 Zone, located on 10± gross acres on the northwest corner of 30th Street East and Avenue J-8.

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 6:22 p.m.

It was moved by Commissioner Cook and seconded by Commissioner Smith to grant a one-year extension to October 16, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-77. 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.

d. Tentative Tract Map No. 66408

Chairman Vose opened the public hearing at 6:23 p.m., to hear a request by Civil Design and Drafting, Inc., to subdivide 20 single-family lots in the R-7,000 Zone, located on 4.77± gross acres west of 22nd Street East and north of Avenue J-6.

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 6:23 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to October 19, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 09-28. 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.

e. Tentative Tract Map No. 72875 / Conditional Use Permit No. 14-08

Chairman Vose opened the public hearing at 6:24 p.m., to hear a request by Imagine Development (Bruno Barbieri), to subdivide 65 single-family lots as a Residential Planned Development (RPD) in the R-7,000 Zone, located on 10.15± gross acres on the northeast corner of 25th Street East and Avenue J-8.

The reading of the staff report was waived. The applicant was present and stated they were in agreement with the conditions, and were available for questions. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:24 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Harvey to grant a time extension to September 22, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 14-13. 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.

f. Vesting Tentative Tract Map No. 53229

Chairman Vose opened the public hearing at 6:25 p.m., to hear a request by Royal Investors Group, LLC, and CV Communities, LLC, to subdivide 1,594 single-family lots, 1 school lot of 13.39 acres and 1 park lot of 28.05 acres in the SP (Specific Plan) Zone, located on 483± gross acres bounded by Avenue K, future 62nd Street West, Avenue L and 70th Street West.

The reading of the staff report was presented by Chuen Ng, an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

The Commission and Staff discussed the unchanged conditions list and the submitted specific plan and tract map.

There was one speaker, Lisa Fourr, who opposed the request for Avanti South and West projects that are proposed for this area which she stated was originally planned for residential homes with a park. She stated she is part of the Mello-Roos homes off of 62nd and K-6 who pays property taxes, and there is still no school in her area. She stated most of the local residents are opposed to the project and do not want that many homes across from Quartz Hill High School. She is also opposed

to the new site plan and tract map, but is in agreement with the original map. She requested the Commission to deny the extension unless the Avanti South project is abandoned.

Public hearing closed at 6:35 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Smith to grant a one-year extension to October 17, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 05-64. 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.

**4. LANCASTER MUNICIPAL CODE AMENDMENT:
MEDICAL CANNIBAS ORDINANCE**

Chairman Vose opened the continued business session at 6:37 p.m., to hear a request by the City of Lancaster, to amend Title 5 and Title 17 of the City of Lancaster Municipal Code relating to the regulation of commercial medical cannabis cultivation, City-wide.

Allison Burns informed the Commission of their consideration pursuant to direction from the City Council on the issues of whether to allow regulated commercial medical cannabis cultivation within the City of Lancaster and their recommendation, or to recommend with modifications the draft ordinance provided adding Chapters 5.56 and 17.43 to the Lancaster Municipal Code. Ms. Burns discussed the Commission's prior activity regarding the ordinance. She informed the Commission of the following items needing immediate input:

- Number of licenses allowed
- Additional ground for denial of an employee permit
- Zoning designations
- Identification of sensitive uses and distances to be maintained
- Allowable facility size and cultivation area

Allison Burns informed the Commission of comments and provisions that were received by medical cannabis cultivators' representatives.

Brian Ludicke informed the Commission of an error on the map provided to the Commission showing allowable zones, noting that three areas on the west side of the City should not be listed on the map. The Commission and staff discussed various topics relating to the provided map and distance requirements as follows:

- Difficulty to patrol if facilities were spread out as opposed to a concentrated area
- Map: showing allowable zones, not what is currently being occupied
- Sensitive uses near allowable zones
- Ordinance: sensitive use designations

- Sensitive use protection against existing uses and future sensitive uses

Speaker No. 1: Dan Hartman who is a security consultant with Selan Law Firm and has been in regulatory law enforcement for nearly 25 years. His background includes regulating greyhound racing, horseracing and liquor. He informed the Commission that he was selected to put together the new licensing system for medical marijuana in Colorado. He stated that there are many similarities in California as in Colorado with a state system and local authority, and thinks it is a great component that the local authority is a bit ahead of the state; if the ordinance is done right it can coexist with any other business as he has seen that happen in Colorado and other states. From a law enforcement perspective he opined that if the cultivation facilities are moved too far from each other it leaves a lot of area to cover; leaving out areas that the City would like to see redeveloped such as warehouses and commercial property that is currently vacant. Dan Hartman continued by saying that within the ordinance and state regulation there are requirements necessary to make sure the industry is managed properly such as:

- Law enforcement involvement
- Security and video requirements
- Licensing requirements
- Business and security plans
- Seed to sell track and trace systems

Dan Hartman informed the Commission about the way the seed, sell, track, and trace programs work. He said Colorado has built their regulatory platform and foundation on these systems, by tagging plants, and managing inventory, they know where every plant is and in what stage of development they are in. These systems allow the city and law enforcement to follow the inventory, check in on it, and have the ability to pull the plant and related product off the shelves.

Mr. Hartman addressed the security and having facilities adjacent to each other, in that facilities located close to each other makes it easier for law enforcement to follow up and do inspection as the City wishes. He continued that the indoor sites are built for security and what they are doing inside is not advertised. Mr. Hartman believes that multiple facilities sitting side by side would be a good use for an industrial park or land that needs to be rebuilt. He also said State law where it is considered sensitive use should be taken into consideration, but not distancing from other facilities as these are businesses that can coexist and not draw a lot of attention. He informed that in Colorado industry-wide, the number of license holders in the medical marijuana industry, as well as the low vacancy rate for commercial property is in the City of Denver.

Discussion ensued regarding the following topics:

- Zoning requirements in Colorado
- Commercial buildings inhabited and subdivision of buildings
- Revitalization of building and infrastructure
- Vapor and smells
- Background checks and livescans
- Seed to plant – tracking and enforcement
- Business plans pertaining to growing cycles

Speaker No. 2: Lisa Selan, legal counsel for the medical cannabis industry and facilities, began by informing the Commission that she has been representing medical marijuana businesses in Los Angeles County and now throughout California. She has been working in Sacramento with legislature, administrators in CDFA and with consumer affairs. Her law firm is about helping cities, counties and the industry do it right. She discussed the potential profits that a business could make, and believes that if the industry becomes cultivation intensive that prices and profits will come down, and suggests taxing with a sliding scale. She commented about the employee component in the ordinance, and believes that Livescans could cross out potential good employees. Manufacturing cannabis is not a high skilled job, but has the potential to create good paying jobs with more local employment. She suggested zoning for light industrial and heavy industrial, but to be cautious not to zone out potential businesses. She does not understand why the distance requirement for hospitals should be 1500 feet when California law is only 600 feet from schools when sentencing. She also said that the businesses should share facilities so they would be able to create a compound, as clustering would be more beneficial for the community and easier to control.

The Commission discussed the following topics:

- Who would have the ability to review background and livescan checks
- State Law AB266
- Industry standards
- Annual licensing
- Air purification

Speaker No. 3: Katie Podein, former Deputy City Attorney for the City of Victorville and Cathedral City, said that the conditional use permit process is important in providing certain requirements and getting only the best operators. She also said some type of pro-forma or business plan requirement is missing from the ordinance. She informed the Commission that the licensees with well thought out business plans and applicants that have reviewed their finances have the ability to be a long term business within the City. She suggested requiring a business plan to review during the conditional use permit process. She also expressed her concern about the proposed administrative violation fee due to the high cost for the first and second violations that could occur without any type of warning, and that that type of fee could be imposed for any type of violation such as incorrect lighting, or unintentional security failure. She informed the Commission of a three-year pro forma business plan for the City of Salinas and the City of Greenfield required in their conditional use permit process.

A discussion took place regarding the following items:

- Business plans
- Department review process
- Conditional Use Permits

Speaker No. 4: Lisa Fourr stated that there is a lot of money in marijuana and that it is a revenue generating crop, but it is also a drug that is not legal within the United States, or by the Federal Government. She opined that the United States Federal Government employs a tremendous amount of people within this valley and we owe our lives and livelihood to the Federal Government. She does not want to upset the Federal Government, and if approved, constraints and security provisions and facilities should be zoned in agricultural areas. She feels there is enough farmland on the east side, but does not want them near Fox Airfield because at times it gets leased by the Federal

Government and would not want them to not renew their lease because of a facility nearby. She stated that soldiers will be removed from service for using marijuana, and many companies drug test for employment. She understands the Commission's reasoning for approving this ordinance, but she also does not want to upset the government. The buffer zone should be at least half a mile in each direction from schools, churches, as well as Avenue M and Fox Airfield, and the City cannot afford to lose the type of jobs we currently have.

Commissioner Harvey responded that she is very passionate about the fact that cannabis is not allowed from a federal perspective as she is a site manager for Northrop Grumman, Chief of Staff at Plant 42. Commissioner Harvey continued to inform Ms. Fourr that she has looked at this item with open eyes, without putting her personal opinion on it, and looking at it as smart growth for the City. She said as an employee at Northrop Grumman, a Department of Defense contractor, she uses her common sense and does not partake in things when her job is dependent on it. Commissioner Harvey continued her response by informing Ms. Fourr that she feels she has done her own due-diligence regarding this issue if the ordinance was put together well.

Ms. Fourr stated that agricultural land on the east side has been abandoned over the years, some of which have processing plants are still in place with electricity. She said the facilities are already there with no encroachment, and have a large buffer of land with no schools or traffic. She does not feel it should be located near Fox Airfield as the original intent was to be for aircraft mechanics, parts repairs, and aircraft manufacturing. She opined that the whole purpose of Fox Airfield was to promote industry within the aircraft field. She inquired why a cannabis facility would be allowed, especially if it were to deter another manufacturer in the future from locating in the area.

The Commission and Staff continued the discussion on the number of licenses allowed or alternative measures.

Allison Burns informed the Commission this item would go to the City Council at the December 13th meeting.

Chairman Vose and the Commissioners came to a consensus to recess the hearing to Thursday, October 20, 2016, at 5:00 p.m., Lancaster City Hall.

DIRECTOR'S ANNOUNCEMENT

None.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

In memory of Sergeant Tim Owen who served the Los Angeles Sherriff's Department in Lancaster for 25years and as a police officer for nearly 29 years, Chairman Vose declared the meeting recessed at 9:05 p.m. to Thursday, October 20, 2016, at 5:00 p.m., Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster