

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

June 19, 2017

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CALL TO ORDER

Chairman Vose called the regular meeting to order at 5:00 p.m.

INVOCATION

Vice Chair Hall.

PLEDGE OF ALLEGIANCE

Commissioner Harvey.

ROLL CALL

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

Absent: Commissioner Coronado.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), Public Safety Director (Lee D'Errico), City Engineer (Trolis Niebla), Principal Planner (Jocelyn Swain), Associate Planner (Chris Aune), and Recording Secretary (Sydney Yeseta). There were 35 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 May 15, 2017. Chairman Vose requested an amendment to the Minutes stating that Commissioner Cook left the dais during the discussion of Item No. 10. Motion carried with the following vote (4-0-2-0-1):

AYES: Cook, Hall, Mercy, and Vose.

NOES: None.

ABSTAIN: Harvey and Smith.

RECUSED: None.

ABSENT: Coronado.

CONTINUED NEW BUSINESS

4. General Plan Amendment and Zone Change Initiation

Chairman Vose opened the item at 5:08 p.m., to hear a request to initiate a general plan amendment and zone change for the former Lancaster Community Hospital site to reflect the change in circumstances. Commissioner Cook chose to recuse herself from the discussion to avoid a conflict of interest since she works at the property location. Commissioner Cook left the dais.

Brian Ludicke presented a brief staff report on this item. The project involves the property that was formerly the Lancaster Community Hospital and the adjacent medical offices, where the general plan designation and zoning is H (Hospital). The general plan amendment and zone change is being proposed to allow for a wider range of uses than what is currently permitted. A portion of the project has been redeveloped and is being used as a skilled nursing facility, which is allowed under the current H designation.

There was one speaker card.

Speaker No. 1: Daniel Wisnicki, works at the Ellison John Transitional Care Center. He requested that the City consider keeping the H zone for the parcel with their building because they receive funding from the State as a residential care facility. He is supportive of changing the land use zoning for the surrounding parcels.

The Commission inquired if the change in land use would impact State funding for the residential care facility. Mr. Wisnicki replied that it could affect some of the specialized beds. They also asked if Mr. Wisnicki would be willing to work with Staff to explain the needs of the residential care facility, and be flexible about the needs of the surrounding properties. Mr. Wisnicki stated that he would work with Staff, as needed.

It was moved by Vice Chair Hall and seconded by Commissioner Smith to direct Staff to coordinate with property owners for the most suitable land use and zoning revisions to prevent impact on current uses, while maintaining flexibility. Motion carried with the following vote (5-0-0-1-1):

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

Commissioner Cook returned to the dais at this time.

CONTINUED PUBLIC HEARINGS

2. Environmental Impact Report 15-02, Specific Plan 15-01, Tentative Tract Map No. 73507

Chairman Vose opened the item at 5:20 p.m., to hear a request by CV Communities, LLC, to certify Environmental Impact Report (EIR) No. 15-02 (SCH# 2015111056), recommend approval of the Avanti North Specific Plan (SP No. 15-01), and subdivide 753 single-family lots, two neighborhood park sites, and an open space area serving storm water detention and water quality filtration purposes

(Tentative Tract Map No. 73507), located on 237.25± gross acres bounded by Avenue K, Avenue K-8, 70th Street West, and 60th Street West.

Chris Aune presented the staff report. An uncontested hearing letter was not received from the applicant stating agreement with the conditions of approval as stated in the staff report.

Mike White, of CV Communities, spoke on behalf of the applicant. He stated that he was available to answer any questions the Commission may have.

There was one speaker card.

Speaker No. 1: Lisa Four, spoke in opposition of the project. She stated her concern about the project catering to low-income families because of the smaller lot sizes within the project. She requested that the project be approved as originally submitted, which was a development with 7,000-square-foot lots and a privately maintained park. She also stated the schools would have a hard time supporting the new residents.

Chairman Vose responded to Ms. Four stating people who are low income are not criminals, nor are they bad for a community, and he does not believe that the project will be catering to low-income families.

Mike White, responded to the comments made by Ms. Four, stating that the original plan for 7,000-square-foot lots and the park with detention basin did not meet the current needs of the community. The diversity of lot sizes within the project better meets the current and future needs of the community. The project is forming a Community Facilities District (CFD) with Westside Union School District, which will allow the funds to be retrieved sooner. This will help the schools respond to the growth in the community. The applicant will most likely develop the land, and then turn over the finished lots to merchant builders to complete the project.

The public hearing was closed at 5:37 p.m.

It was moved by Commissioner Mercy and seconded by Vice Chair Hall to adopt Resolution No. 17-15, certifying the Final Environmental Impact Report (EIR No. 15-02) (SCH #2015111056), approving Tentative Tract Map No. 73507, and recommending to the City Council approval of Specific Plan No. 15-01. The approval of the Tentative Tract Map No. 73507 is not valid until the effective date of Specific Plan No. 15-01. Motion carried with the following vote (6-0-0-0-1):

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

3. Conditional Use Permit No. 15-08, Tentative Tract Map No. 72534

Chairman Vose opened the item at 5:38 p.m., to hear a request by GID Lancaster 80, LLC, to construct a Residential Planned Development (RPD) for 109 single-family lots, a 1.5-acre private park, and one drainage basin lot in the R-7,000 Zone; the streets within the subdivision would be private.

The reading of the staff report was waived because the applicant was requesting an extension for additional time to modify the design. There were none in the audience who wished to speak on the request.

It was moved by Commissioner Cook and seconded by Commissioner Smith to continue the hearing for 60 days to the August 21, 2017, regular meeting, in order for the applicant to demonstrate compliance with the RPD standards. Motion carried with the following vote (6-0-0-0-1):

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

NEW PUBLIC HEARINGS

5. ONE-YEAR EXTENSIONS

a. Conditional Use Permit No. 14-12

Chairman Vose opened the public hearing at 5:39 p.m., to hear a request for an extension by Abbey Road, Inc., to construct a mixed-use 3-story building totaling 78,737 square feet, including 73,200 square feet for 75 multi-family housing units and common areas, and 5,537 square feet for office uses and support services, in the Specific Plan (SP) 08-02 Zone, located on 2.4± gross acres at approximately 270 feet south of Avenue K on the west side of Sahuayo Street.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval as stated in the staff report. There were none in the audience who wished to speak on the request.

Chairman Vose clarified that the analysis portion of the staff report dated in 2015 was accurate. The multi-family housing unit project plans to dedicate 37 units for supportive housing to veterans recovering from homelessness, 19 supportive housing units to individuals or families recovering from homelessness, and 18 supportive housing units to low-income households. Social services, such as mental health and employment aid, will be provided on-site.

The public hearing was closed at 5:42 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to June 22, 2018, based on the findings contained in the staff report and previously approved conditions. Motion carried with the following vote (6-0-0-0-1):

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

b. Tentative Tract Map No. 63095

Chairman Vose opened the public hearing at 5:42 p.m., to hear a request for extension by Royal Investors Group, LLC, to subdivide 41 single-family lots in the R-7,000 Zone, located on 12.66± gross acres at the northwest corner of Avenue J and 35th Street West.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval as stated in the staff report. There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:43 p.m.

It was moved by Commissioner Smith and seconded by Vice Chair Hall to grant a one-year extension to June 18, 2018, based on the findings contained in the staff report. Motion carried with the following vote (6-0-0-1):

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

Vice Chair Hall pointed out that there were letters received on Tentative Tract Map No. 63095.

The Commission reviewed the two opposition letters.

It was moved by Commissioner Cook and seconded by Commissioner Smith to reconsider previous action taken on Agenda Item No. 5.b. Tentative Tract Map No. 63095. The motion failed with the following vote (0-6-0-1):

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

The failure of a motion to pass constitutes a denial of the reconsideration. The original motion stands, and the project is approved.

c. Vesting Tentative Tract Map No. 64249

Chairman Vose opened the public hearing at 5:43 p.m., to hear a request for extension by Yigal Hassid, to subdivide nine single-family lots in the SRR Zone, located on 5± acres at the southwest corner of Avenue M-4 and 32nd Street West.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval as stated in the staff report. There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:44 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to June 19, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-54. Motion carried with the following vote (6-0-0-0-1):

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

6. Conditional Use Permit No. 17-02

Chairman Vose opened the item at 5:50 p.m., to hear a request by Challenger Tap House, Inc. (Carlo Shihady), for a restaurant with an Alcoholic Beverage Control Type 47 license (On Sale General-Eating Place) and live entertainment in an existing building in an existing shopping center in the Commercial Planned Development (CPD) Zone. The site is located at 1048 East Avenue K (north end of Challenger Plaza).

Chris Aune presented the staff report. Staff recommended approval of the sale of alcohol based on the recommendation made by the Sheriff's Department. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval as stated in the staff report.

There were three speaker cards.

Speaker No. 1: Carlo Shihady, applicant, was available to answer any questions from the Commission. He will have a manager overseeing the daily operations who will report directly to him. Mr. Shihady stated he has experience working in the restaurant business. He fully understood the requirements for an Alcohol Beverage Control Type 47 license for an operating restaurant and the hours set for alcohol sales. A parking map was completed by the architect that indicates sufficient parking.

Speaker No. 2: Myrle McLernon, architect for the project, stated that the infrastructure for the project is similar to the previous tenant because they were also a restaurant with alcohol sales.

Speaker No. 3: Fran Sereseres voiced concerned regarding the amount of parking, and the hours of operation for the restaurant and live entertainment.

Chairman Vose responded to her concern, stating that the restaurant is required to serve the full menu while operating, and the entertainment is supplemental to the service of food.

The public hearing was closed at 5:59 p.m.

It was moved by Commissioner Cook and seconded by Commissioner Mercy to adopt Resolution No. 17-18, approving Conditional Use Permit No. 17-02. Motion carried with the following vote (6-0-0-0-1):

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

7. Conditional Use Permit No. 17-06

Chairman Vose opened the item at 6:00 p.m., to hear a request by Duane and Dale DeBlauw, to construct a self-storage facility in two phases on a 6.05± acre parcel in the CPD Zone. The first phase will consist of development of the site, plus construction of one 1,300-square-foot office, and approximately 98,450 square-feet of enclosed storage within two buildings. The second phase will consist of either: the construction of 56,100 square-feet of enclosed storage within three buildings, or occupying the same footprint as the storage buildings, the construction of freestanding canopies for outdoor vehicle storage, or a combination of the two. The project site is located on 6.05± acres approximately 330 feet west of 20th Street West between Avenue J-8 and Avenue J-13 (APN 3129-017-031).

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

An anonymous letter was submitted to the Commission prior to the meeting. The letter requested mature trees be planted and a decorative wall installed along the property line adjacent to the residential neighborhood.

Duane DeBlauw, the applicant, responded to a question about the wall, stating that a rod-iron fence is being installed to deter people from climbing over it. The applicant will work to add heavy landscaping along the fence. The project will be built in two phases and as the first phase fills up, the second phase will begin. There will be some storage of vehicles on site; however, the manager will have discretion on the types of vehicles that are allowed to be stored there to ensure that the property looks appealing. The color palette for the property is desert colors with a shade of blue.

There was one speaker.

Speaker No. 1: Gerald Cote spoke in opposition of the project because there are other storage facilities within a close proximity.

Chairman Vose responded to Mr. Cote stating that the proposed use is allowed on the site and the Planning Commission cannot tell applicants what to develop on their property.

The public hearing was closed at 6:17 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to adopt Resolution No. 17-19, approving Conditional Use Permit No. 17-06. Motion carried with the following vote (6-0-0-0-1):

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

The Commission was in recess until 6:29 p.m., in order to review the correspondence received for Agenda Item No. 8, Conditional Use Permit No. 16-03.

8. Conditional Use Permit No. 16-03

Chairman Vose opened the item at 6:29 p.m., to hear a request by Tim Hadaya, to construct a 2,400-square-foot 7-Eleven, two gas island canopies totaling 3,420 square feet, a 1,150-square-foot car wash, to allow the sale of beer and wine for off-site consumption (Type 20 California State Alcoholic Beverage Control (ABC) License), and to approve a waiver from distance requirements, in the Commercial (C) Zone, located at 45201 Sierra Highway, 515, 521, and 529 West Avenue I, and 45222 Beech Avenue (Assessor Parcel Nos. 3135-027-007, -008, -025, and -027).

Chris Aune presented the staff report. The Commission was provided copies of the alcohol ordinance for reference. An uncontested hearing letter was not received from the applicant stating agreement with the conditions of approval as stated in the staff report. A distance waiver is required for the alcohol sales because it is in close proximity to sensitive uses. Staff clarified that the distance was measured again, and the residence is approximately 312 feet from the proposed project. The Sheriff's Department did not have any concerns, as long as the applicant agrees to the conditions.

Jocelyn Swain spoke about the environmental issues on the property. The previous uses on the site include gas stations and auto repair facilities, which left behind associated sumps and underground storage containers that have generated contamination in the soil. The applicant will need to remove the equipment and clean the soil to the standards established by the regional board. Additionally, before the demolition of the existing building, the applicant will need to test it for lead-based paint and asbestos and remove them in accordance with the standards, if present.

Lee D'Errico spoke about the sensitive uses in the surrounding area of the proposed project. It is his opinion that the project will be a benefit to the community because it will improve the Avenue I corridor and a degraded corner.

Commissioner Harvey requested that Staff prepare data analytics that will provide information on distance waivers seen by the Planning Commission, and the decisions that have been made.

Lee D'Errico discussed the oversaturation determination by the Alcoholic Beverage Control (ABC) office. ABC uses crime data from each reporting district and averages it over the area that the office supervises. This can lead to some misleading information because the reporting districts are not all the same and the formula is very vague and ambiguous.

There were eight opposition letters received by the Commission just prior to the meeting. City Staff did provide copies of the letters to the applicant's representative, Michael Pauls.

There were four speakers cards.

Speaker No. 1: Michael Pauls stated that the project was going to be a Circle K franchise, instead of a 7-Eleven. He explained that the alcohol sales are part of the franchise agreement, but the applicant is only requesting the minimum amount of alcohol on the site. The applicant, Tim Hadaya, is a resident of Lancaster who would like to see the blighted site be improved and bring business to the City. The proposed car wash will use recycled water. A letter from the Circle K franchise, outlining their agreement with the applicant and the requirements, was provided to Staff and the Commission. There are significant off-site improvements that would take place with this development. Overall, the applicant would like to benefit the community by creating a family-friendly atmosphere, working in conjunction with the Sheriff's Department, and providing jobs to residents.

The Planning Commission discussed their ability to take action on the project based on the change to the franchise. All documentation, renderings, and public noticing was submitted with 7-Eleven franchise information. The Commission decided to continue with the public hearing to ask all questions and hear the public testimony.

Speaker No. 2: Andrew Paszterko, architect for the project, stated that the project will be identical to the submitted project, with the only difference being the color scheme.

It was determined by Jocelyn Corbett that it would inappropriate to take action on the project, as proposed, because the application is wrong.

Speaker No. 3: Paul Grubl, the property owner, spoke in favor of the project. He believes it will be a huge benefit to the residents and does not see an issue with the change from a 7-Eleven franchise to a Circle K franchise.

Speaker No. 4: Fran Sereseres spoke in favor of the project. She believe it will help improve the site and be a great help to the community. She understands the Planning Commission must have the correct documentation and will stand by their decision.

Andrew Paszterko responded by stating that he does not think it is fair for the Commission to deny the project based on the change in franchise.

Jocelyn Corbett reiterated that the notice of public hearing did not have accurate information and therefore, it was inappropriate to vote on the matter.

The public hearing was closed at 8:02 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 17-20, approving Conditional Use Permit No. 16-03. The motion failed with the following vote (0-6-0-0-1):

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

The failure of a motion to pass constitutes a denial of the project.

9. General Plan Amendment No. 17-04, Draft Master Plan of Complete Streets, Amendment of Chapter 16.20 (Subdivision Ordinance)

Chairman Vose opened the public hearing at 8:05 p.m., to hear a presentation and start review of the City of Lancaster Draft Master Plan of Complete Streets, associated general plan amendment (GPA 17-04), and ordinance amending Chapter 16.20 of the Lancaster Municipal Code (Subdivision Ordinance).

Chairman Vose announced that he attended the community open house hosted by the City to discuss the Lancaster Boulevard bike lane project, the roundabouts at 15th Street East and 15th Street West, and the City's Master Plan of Complete Streets and Revive 25 projects.

Brian Ludicke gave the PowerPoint presentation of the Draft Master Plan of Complete Streets. He explained that the City of Lancaster is shifting the way they are designing streets and how they allocate the right-of-way space. Street design must be based on street function and context because they service complex needs and multiple users. The main priorities of the City include safety for all users; initial and long-term maintenance costs; traffic volume; and traffic speed, which needs to be adapted to meet other values and priorities. The City will need to consider mobility versus accessibility, emergency access, street networks, how streets effect the overall design and productivity of the City, and how to evaluate street performance. The general plan amendment is necessary to provide a statement of the City's approach to street design and support of complete street design; establish the legal and policy basis for street design flexibility; be recognized as the City's street design planning document; and align the City's policies with current State and County plans, policies, and funding requirements.

There were none in the audience who wished to speak on the request.

It was moved by Commissioner Cook and seconded by Commissioner Smith to continue the public hearing to the July 17, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-1):

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

DIRECTOR’S ANNOUNCEMENT

None.

COMMISSION AGENDA

Vice Chair Hall will be attending the June 27, 2017, City Council Meeting on behalf of Chairman Vose.

PUBLIC BUSINESS FROM THE FLOOR – NON-AGENDA ITEMS

Fran Sereseres asked about requirements for restaurant signage, and a traffic signal that is located in unincorporated Los Angeles County.

Jocelyn Swain responded to her question regarding restaurant signage.

Lisa Four stated that the Planning Commission has the responsibility of assessing the needs of the community when approving projects. She also requested a back entrance and freeway off-ramp be created for Antelope Valley Hospital.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 8:43 p.m. to the Special Meeting for Agenda Review on Monday, July 10, 2017, at 4:30 p.m., in the City Council Chambers, Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster