

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

August 14, 2017

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### **CALL TO ORDER**

Chairman Vose called the regular meeting to order at 5:01 p.m.

### **INVOCATION**

Vice Chair Hall.

### **PLEDGE OF ALLEGIANCE**

Commissioner Smith.

### **ROLL CALL**

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

Absent: None.

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), Associate Planner (Cynthia Campaña), and Recording Secretary (Sydney Yeseta). There were 65 people in the audience.

### **CONSENT CALENDAR**

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#### **1. APPROVAL OF MINUTES**

It was moved by Commissioner Harvey and seconded by Commissioner Smith to approve the Minutes, as amended, from the Regular Meeting of July 17, 2017. Motion carried with the following vote (5-0-1-0-0):

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

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**CONTINUED PUBLIC HEARINGS**

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

Chairman Vose opened the item at 5:14 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 a continuance for additional time to modify the design.

There was one speaker card.

Speaker No. 1: Fran Sereseres asked for clarification on the drainage basin.

Chairman Vose responded, stating that the drainage basin would be for the flood control system, not the sewer system.

It was moved by Commissioner Cook and seconded by Vice Chair Hall to continue the hearing for 30 days to the September 18, 2017, regular meeting, to give the applicant more time to complete the final modifications. Motion carried with the following vote (6-0-0-0-0):

AYES: Cook, Hall, Harvey, Mercy, Smith, and Vose.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

**3. General Plan Amendment 17-04, Draft Master Plan of Complete Streets, Amendment of Chapter 16.20 (Subdivision Ordinance)**

Chairman Vose opened the item at 5:18 p.m., to hear a presentation and review 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).

Brian Ludicke spoke briefly about the project, stating that the goal of the Master Plan of Complete Streets is to change the way the City designs and evaluates streets. It would allow for more flexibility to address safety, speed, and capacity. A goal of the project is to move traffic more safely, not faster. The General Plan amendment assures the proper metrics are in place and that there is compliance with State law requirements. There are changes being proposed to the Plan for Physical Mobility. The City is reviewing the documents for the Measure R improvements to ensure they meet, and are in line with, City standards. There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:29 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Cook to adopt Resolution No. 17-21, recommending to the City Council approval of General Plan Amendment No. 17-04, the adoption of the City of Lancaster Master Plan of Complete Streets, and an ordinance to amend Chapter 16.20 of the City of Lancaster Municipal Code (Subdivision Ordinance). Motion carried with the following vote (6-0-0-0-0):

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

#### **4. Tentative Tract Map No. 61574**

Chairman Vose opened the public hearing at 5:30 p.m., to hear a request for an extension by United Engineering Group, to subdivide 45 single-family lots in the R-10,000 Zone and one remainder parcel in the CPD Zone, located on 26.6± gross acres at the southwest corner of Avenue K and 30<sup>th</sup> Street East.

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; however, an additional condition was added after the uncontested letter was submitted.

Beau Cooper, the applicant's representative, requested clarification about the new condition and the community benefit agreement.

Chairman Vose responded, stating that the City Council has asked the Commission to implement the condition voluntarily to all residential projects, until a City ordinance is adopted. The community benefits agreement would allow the residential development community to meet and confer, in good faith, to consider local hiring standards for the construction trades and negotiate with labor organizations. The purpose and goal is to eliminate substandard construction and construction defects, provide training and development of skilled trades, and encourage local hiring

Mr. Cooper requested a continuance for additional time to review the new condition.

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

It was moved by Vice Chair Hall and seconded by Commissioner Mercy to extend the map to September 18, 2017, and continue the public hearing to the September 18, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-0):

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

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**NEW PUBLIC HEARINGS**

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**5. ONE-YEAR EXTENSIONS****a. Tentative Tract Map No. 62485**

Chairman Vose opened the public hearing at 5:38 p.m., to hear a request for an extension by Royal Investors Group, LLC, to subdivide 39 single-family lots in the R-7,000 Zone, located on 10.09± gross acres at the southwest corner of 30<sup>th</sup> Street East and Nugent 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; however, an additional condition was added after the uncontested letter was submitted.

Kris Pinero, the applicant's representative, requested a continuance for additional time to review the new condition.

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

It was moved by Commissioner Smith and seconded by Commissioner Mercy to extend the map to September 18, 2017, and continue the public hearing to the September 18, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-0):

AYES: Cook, Hall, Harvey, Mercy, Smith, Vose.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

**d. Tentative Tract Map No. 64877**

Chairman Vose opened the public hearing at 5:42 p.m., to hear a request for extension by Royal Investors, LLC, to subdivide 41 single-family lots in the R-7,000 Zone, located on 9.42± acres at the northeast corner of 20<sup>th</sup> Street East and Nugent 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; however, an additional condition was added after the uncontested letter was submitted.

Kris Pinero, the applicant's representative, requested a continuance for additional time to review the new condition.

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

It was moved by Commissioner Smith and seconded by Commissioner Mercy to continue the public hearing to the September 18, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-0):

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

**b. Tentative Tract Map No. 63031**

Chairman Vose opened the public hearing at 5:44 p.m., to hear a request for extension by Westpalm Development Corporation, to subdivide 25 single-family lots in the R-7,000 Zone, located on 10.0± gross acres at the southwest corner of Lancaster Boulevard and future 32<sup>nd</sup> Street East.

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; however, an additional condition was added after the uncontested letter was submitted.

Karl Mallick, the applicant's representative, requested a continuance for additional time to review the new condition.

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

It was moved by Commissioner Smith and seconded by Commissioner Mercy to extend the map to September 18, 2017, and continue the public hearing to the September 18, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-0):

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

**c. Tentative Tract Map No. 63112**

Chairman Vose opened the public hearing at 5:44 p.m., to hear a request for extension by Bayshore, LLC, to subdivide 126 single-family lots in the R-7,000 Zone, located on 32.0± acres at the southeast corner of 15<sup>th</sup> Street East and Avenue H-8.

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; however, an additional condition was added after the uncontested letter was submitted.

Karl Mallick, the applicant's representative, requested a continuance for additional time to review the new condition.

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

It was moved by Commissioner Smith and seconded by Commissioner Mercy to extend the map to September 18, 2017, and continue the public hearing to the September 18, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-0):

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

**e. Tentative Tract Map No. 66680, Tentative Parcel Map Nos. 69747 and 70303**

Chairman Vose opened the public hearing at 5:46 p.m., to hear a request for extension by STG Stoneridge Ranch, LLC. Tentative Tract Map No. 66680 is a subdivision for 238 single-family lots, (128 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 is the subdivision for property west of 55<sup>th</sup> Street West into two parcels; Tentative Parcel Map No. 70303 is the subdivision for the property east of 55<sup>th</sup> Street West into two parcels; both parcel maps are for financial purposes to allow the individual parcels to be sold. The proposed project is located on 72.9± gross acres at the southwest corner of 52<sup>nd</sup> Street West and Avenue K-8.

The reading of the staff report was waived because the applicant requested a continuance to the September 18, 2017, regular meeting.

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

It was moved by Commissioner Harvey and seconded by Commissioner Cook to continue the public hearing to the September 18, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-0):

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

**6. Conditional Use Permit No. 17-20**

Chairman Vose opened the item at 5:47 p.m., to hear a request by Charles Worth for a conditional use permit for a gaming arena in the Specific Plan (SP) 08-01 Zone, located at 547 West Lancaster Boulevard.

Chris Aune presented the staff report. The proposed use is for a video game arcade with modern and classic gaming systems, custom computers, and virtual reality machines for patrons to play video games. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Lee D'Errico stated that Public Safety would closely monitor the proposed use to ensure that that there was no gambling and that the conditions were being met. He clarified that the daytime loitering ordinance applies to all school aged children, no matter their school schedule.

Charles Worth, the applicant and owner, spoke about the project. He stated that it would be a community center for children, teenagers, and young adults. Bitcoin, and all monetary transactions, would be monitored by the staff at the front counter and software would be installed to block websites and regulate the users. The primary audience is 14 to 35 year olds. Children that are under the age of 12 must be accompanied by a parent, or responsible adult. Children, ages 12 to 18, must have a signed permission slip on file to enter the facility without an adult. The consoles and virtual reality machines would charge an hourly rate, with an option for an all-day pass. There would be daily tournaments and prepackaged food and beverage items would be sold on-site. All staff members would be trained in basic self-defense.

Lee D'Errico recommended having security on-site during certain hours to avoid calls to the Sheriff's Department. Commissioners Cook and Harvey expressed their concern for security, and were in favor of Mr. D'Errico's recommendation. Commissioner Mercy suggested that they provide information to users about cyber bullying.

There were two speaker cards.

Speaker No. 1: Adam Chant, who is a partner at Battlegroundz on the Boulevard, spoke in favor of the project. He wanted to make himself available for any questions. He supported the 24-hour operation and the proposed software to block prohibited websites.

Speaker No. 2: Fran Sereseres voiced concern about curfew hours for minors.

Lee D'Errico responded to her concern by stating that they would not be subject to curfew restrictions if they are attending an event, or in the presence of an adult.

The public hearing was closed at 6:22 p.m.

It was moved by Commissioner Mercy and seconded by Vice Chair Hall to adopt Resolution No. 17-23, approving Conditional Use Permit No. 17-20. Motion carried with the following vote (4-2-0-0-0):

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

The Commission was in recess beginning at 6:25 p.m. and ending at 6:44 p.m.

## **7. Conditional Use Permit No. 17-16**

Chairman Vose opened the item at 6:44 p.m., to hear a request by Fox Field Industrial Center, for a conditional use permit for the construction and operation of 583,000 square feet of cultivation and manufacturing facilities for medical cannabis in the Specific Plan 95-02 (SP 95-02) Zone, located on 32± acres at the southeast corner of William J. Barnes Avenue and 47<sup>th</sup> Street West (Assessor's Parcel No. 3105-001-042). Commissioner Mercy recused himself to avoid a conflict of interest and left the dais.

Jocelyn Swain 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. The project was reviewed by the Airport Land Use Commission and it was determined that the proposed use is consistent with the airport land use compatibility plan with the incorporation of four conditions. These conditions were added to the conditions of approval for the project.

The Commission received a packet containing letters from the California Department of Fish and Wildlife, Antelope Valley Air Quality Management District, Caltrans, and three Native American tribes. The concerns raised by the Department of Fish and Wildlife were not supported by any of the studies that were conducted for the site.

The applicant, Robert Selan and Katie Podein, spoke about the project explaining that a year ago they met with the City of Lancaster to help develop the ordinance to allow for the cultivation and manufacturing of medical cannabis. They now have clients that have a need for a safe and legal place to cultivate medical cannabis. Current State law requires that the entity be a nonprofit organization; however, the law could change in the future to allow for profit businesses. The goal of the proposed project is to create a campus-like environment that is secured and not accessible by the public.

Mat Johnson, a consultant from Cultivation Efficiency Systems (CES), stated that the firm focuses on design build for cultivation projects. The proven, most effective method for odor mitigation is carbon filtration. The building would be maintained at negative pressure and the air that leaves the building would go through a carbon filter. The firm recommends preventative maintenance on all filtration equipment. The cannabis particles removed from the filters are not salvageable. There is no industry standard in place for odor mitigation. Mr. Johnson also spoke about water usage, explaining that the water usage is roughly six gallons per 25 square feet of canopy. CES takes a green approach by repurposing, through humidity control, the condensation of roughly 50% of the water.

There were nine speaker cards.

Speaker No. 1: David Paul spoke in favor of the proposed project and the positive impacts it would have in the City.

Speaker No. 2: Loretta Miller spoke in favor of the proposed project because she supports the use of cannabis for medical purposes.

Speaker No. 3: Richard Marcella spoke in favor of the proposed project and the various uses of the hemp plant.

Speaker No. 4: Dwayne Mead spoke on behalf of Mike Griffin, who both serve on the Board of Directors of Fox Field Industrial Park. Mr. Mead is a business owner adjacent to the proposed project and he had concerns about water consumption and security.



Chairman Vose stated that the proposed security plan was not available for public review. Lee D'Errico responded to Mr. Mead's concerns, stating that the security plan was reviewed by the Public Safety Department and determined to be beyond the minimum requirements set forth by the ordinance.

Speaker No. 5: Msgt. Miguel Barragan opposed the proposed project at this site because it is in close proximity to the National Guard Armory and he believes it would lead to an increase of crime in the area.

Jocelyn Swain responded to his concern, stating that the building would not be identifiable to the outside as a cannabis facility.

Speaker No. 6: Anthony Myatt opposed the proposed project because under federal law there is no distinction between medical and recreational use cannabis; therefore, he believes the Commissioners could be held civilly and criminally liable for approving the proposed project.

Speaker No. 7: Steven Carlson opposed the proposed project due to the difference in federal and State laws, and issues with handling revenue. He also voiced his concern with an increase in crime in the area.

Speaker No. 8: Joel McKay opposed the project because he believes medical cannabis cards are not regulated and there is more cannabis being produced than consumed.

Speaker No. 9: Kimberly Sigmund, a Youth Substance Abuse Prevention Project Coordinator at Tarzana Treatment Center and a member of the Antelope Valley Marijuana Alcohol and Pharmaceutical Prevention Coalition, voiced concern because the decriminalization of cannabis has led to increase in use of cannabis by youth. She also mentioned concern about proximity of the proposed project to local schools and parks.

Mr. Selan and Ms. Podein responded to the comments made by the public, stating that the cannabis enters the facility as a clone plant and is cultivated and harvested inside the facility. The transportation of cannabis from the facility would be done through armed carriers. The State is still working on the distribution licensing. The proposed security plan was composed with the help of an individual from the CIA and a consultant from Colorado. By law, the waste produced from the facility must be mixed with 50% other material, rendering it unusable, and must be secured and locked until pick-up occurs. All waste must be logged, weighed, and accounted for. In response to the concern about more cannabis being grown than consumed, Ms. Podein stated that because it has not been regulated before, most of the cannabis would not pass the new State law regarding testing. There are some banks that are beginning to take on the business from cannabis facilities. Only petty cash would be kept on-site at the facility.

The public hearing was closed at 8:20 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 17-24, approving Conditional Use Permit No. 17-16. Motion carried with the following vote (5-0-0-1-0):

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

Commissioner Mercy returned to the dais at this time.

## **8. Conditional Use Permit No. 17-17**

Chairman Vose opened the item at 8:23 p.m., to hear a request by Master Collective, Inc., for a conditional use permit for the construction of four 30,000-square-foot buildings, one 23,821-square-foot building, and three 2,597-square-foot storage buildings for a total of 151,612 square feet of floor area for the operation of medical cannabis cultivation and manufacturing facilities in the Heavy Industrial (HI) Zone. The proposed project would be located on 9.2± acres at the southeast corner of West Avenue H-6 and Trevor Avenue, extending to Division Street to the east along West Avenue H-6 and approximately 855 feet south of West Avenue H-6 on Trevor Avenue (Assessor's Parcel Nos. 3137-009-050, -051, and 3137-012-034, -035, -036, -041, -042, -043, -044, -045, and -046).

Chris Aune presented the staff report. There is a school located within 1,000 feet of the storage buildings on-site; however, since the storage facilities would not be used for cultivation or manufacturing of medical cannabis, they do not fall under the distance separation requirements. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Lisa Selan spoke on behalf of the applicant, stating that the proposed project is similar to Conditional Use Permit No. 17-16 because it is new construction on a smaller scale, and the consultants are the same for both projects. Three out of the five buildings are completely leased and the applicant anticipates occupation to begin in late spring or early summer. The applicant has studied the market in Colorado, and other business models, to create the proposed business plan for the project. The proposed project would provide a campus-like environment to the tenants, as opposed to a stand-alone business, so more security is being provided. The applicants are providing the facility and would allow the individual tenants to make the improvements they deem necessary.

There were eight speaker cards. Each speaker was called to speak, but no longer wished to comment on the item.

Commissioner Mercy asked for clarification about the distance requirement for the storage building. He also inquired about State regulations to segregate medical cannabis from recreational use throughout the entire supply chain.

Lisa Selan responded to the inquiries about State regulations, explaining that in the Governor's trailer bill, there are two types of licenses: medical and adult use. Each product would be tagged as either medical or adult use and would only be sold to manufacturers and distributors with the same type of license. The regulation has not yet been approved by the State.

The public hearing was closed at 8:45 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 17-25, approving Conditional Use Permit No. 17-17. Motion carried with the following vote (5-1-0-0-0):

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

**9. Conditional Use Permit No. 17-18**

Chairman Vose opened the item at 8:47 p.m., to hear a request by Master Collective, Inc., for a conditional use permit for tenant improvements to an existing building and new construction, resulting in 108,442 square feet of floor area between two buildings for the operation of a medical cannabis cultivation and manufacturing facility in the Heavy Industrial (HI) Zone, located at 220 West Avenue H-6 (Assessor's Parcel No. 3137-012-065).

Cynthia Campaña 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.

It was noted that the Commissioners, excluding Commissioner Harvey, were able to tour the site prior to the meeting.

Lisa Selan spoke on behalf of the applicant. The building is an existing onion plant with a 39,600-square-foot cold storage room. Other areas of the building would be used for office space and there would be two manufacturing tenants. The proposed project is for a two-story facility; however, the applicant plans to commence work prior to the second story addition, in order to get revenue into the City. Once the building for Conditional Use Permit No. 17-17 is complete, the fencing between the two projects would be removed and it would become one large complex. There were none in the audience who wished to speak on the request.

The public hearing was closed at 8:54 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Cook to adopt Resolution No. 17-26, approving Conditional Use Permit No. 17-18. Motion carried with the following vote (5-1-0-0-0):

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

**DIRECTOR'S ANNOUNCEMENT**

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Brian Ludicke explained that the City Council, in its action to introduce the ordinance for Specific Plan 15-01, asked the Planning Commission to consider an appropriate approach to form a community benefit agreement. The topic will be discussed further at the September 11, 2017, Special Meeting for Agenda Review.

**COMMISSION AGENDA**

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Chairman Vose requested an item be placed on the September Planning Commission agenda to discuss real estate signs in the public right-of-way.

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

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None.

**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 8:58 p.m. to the Special Meeting for Agenda Review on Monday, September 11, 2017, at 4:30 p.m., in the City Council Chambers, Lancaster City Hall.

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster