

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

October 16, 2017

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CALL TO ORDER

Chairman Vose called the regular meeting to order at 5:04 p.m.

INVOCATION

Pastor Metters.

PLEDGE OF ALLEGIANCE

Commissioner Mercy.

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), City Engineer (Trolis Niebla), Associate Planner (Chris Aune), Associate Planner (Cynthia Campaña), and Recording Secretary (Sydney Yeseta). There were 25 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 September 18, 2017. Motion carried with the following vote (6-0-0-0):

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

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

6. Conditional Use Permit No. 17-25

Chairman Vose opened the item at 5:10 p.m., to hear a request by Tim Hadaya for construction of a 2,400-square-foot gas station and mini-mart, 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 License); and to approve a waiver from distance requirements in the Commercial (C) Zone. The proposed project is located at 45201 Sierra Highway, 515, 521, and 529 West Avenue I, and 45222 Beech Avenue.

The applicant provided a request to Staff to withdraw the project from hearing. At the Special Meeting for Agenda Review, the Planning Commission inquired about the Permit Streamlining Act, and if it would affect the processing of the case. Brian Ludicke believes that the City is not at risk because the Act is written to protect the applicant from a government entity that will not take action. In this case, the applicant is requesting a withdrawal, rather than the City refusing to hear it. The City has 180 days after a project is deemed complete to act on a Negative Declaration. There is a provision that if an applicant has requested action on an item and the City has refused to act, the applicant can take steps to have the project deemed approved; however, this process requires the applicant to follow strict deadlines and notify the City of their actions. The project cannot obtain a “deemed approved” status just by the applicant taking no action.

It was determined that the project was properly noticed, the applicant’s rights would not be violated by not having a hearing, and the project would not be deemed approved by not taking any action. When the applicant is ready for the project to go to hearing, the project will be noticed again.

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

The public hearing was closed at 5:16 p.m.

It was moved by Commissioner Mercy and seconded by Vice Chair Hall to approve the request to withdraw the application from public hearing. Motion carried with the following vote (6-0-0-0):

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

CONTINUED PUBLIC HEARINGS**2. Tentative Tract Map No. 66680, Tentative Parcel Map Nos. 69747 and 70303**

Chairman Vose opened the public hearing at 5:17 p.m., to hear a request for extension by STG Stoneridge Ranch, Inc. Tentative Tract Map No. 66680 is a subdivision for 238 single-family lots, (128 within the R-7,000 Zone, 89 within the R-10,000 Zone, and 21 within the R-15,000 Zone). Tentative Parcel Map No. 69747 would subdivide property west of 55th Street West into two parcels, and Tentative Parcel Map No. 70303 would subdivide property east of 55th 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 52nd Street West and Avenue K-8.

Chris Aune presented the staff report. The applicant, or their representative, was not present at the meeting; however, an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report. Staff is confident that the applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

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

The public hearing was closed at 5:21 p.m.

It was moved by Commissioner Cook and seconded by Commissioner Smith to grant a two-year extension to August 18, 2019, 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, Hall, Harvey, Mercy, Smith, Vose.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

3. Conditional Use Permit No. 17-23

Chairman Vose opened the item at 5:22 p.m., to hear a request by Mildred House and Doreen Lopez, for a conditional use permit for an Alcoholic Beverage Control Type 21 license (Off Sale General-Package Store) for a florist shop (Isla's Flower Boutique) in the Light Industrial Zone, located at 42630 10th Street West, Unit 1.

Chris Aune presented the staff report. The proposed project is for the sale of alcoholic beverages to be included in gift boxes. Staff provided research regarding online sales of alcohol. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Mark House, representing Mildred House, addressed the Commission's concerns from the last hearing. He stated that there would only be a limited selection of alcoholic beverages to choose from and the goal is to reduce the options as the business grows. He stated the impact on the City would be minimal because, as the business grows, the more gift boxes will be shipped out of town.

The applicant has already purchased the Type 21 Alcoholic Beverage Control license; however, the transaction is not final until the City reviews and approves the project. After much research by the applicant, the Type 21 license was purchased because it met the need of the market.

The applicant agreed to only put one bottle of alcohol in each gift box. In general, City enforcement is complaint driven; however, the Sheriff's Department conducts regular inspections for compliance for all alcohol establishments. If there is a violation, the Department of Alcoholic Beverage Control can impose monetary fines and the City can issue administrative citations.

There was one speaker card.

Sarah May, a Health Educator at Tarzana Treatment Centers and a representative of the Antelope Valley Marijuana, Alcohol, and Pharmaceutical Prevention Coalition, spoke in opposition of the project due to the implications that approving the project would have on the youth and community in Lancaster. She also spoke about the amount of alcohol establishments within the City limits.

Mark House responded, requesting that the Commission give their business the opportunity to grow. He explained that although they will be selling alcohol, it is a nominal amount compared to the other items they sell.

The other tenants in the building were hand delivered public hearing notices prior to the hearing.

The public hearing was closed at 5:58 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Mercy to adopt Resolution No. 17-29 approving Conditional Use Permit No. 17-23. Motion carried with the following vote (3-3-0-0-0):

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

The motion failed to pass. Commissioner Smith asked for a reconsideration of the motion and Commissioner Mercy agreed.

Commissioner Smith explained that she felt the applicant had come back with the information requested from the last meeting and that with the conditions and the Sheriff's Department follow-up, the project would be held the standards set in place.

Commissioner Mercy spoke in favor of the innovative business model and supported the business friendliness of the City.

Vice Chair Hall stated that he felt there were already enough alcohol establishments in town and the applicant could appeal the decision to City Council, if the project was denied.

It was moved by Commissioner Smith and seconded by Commissioner Mercy to reconsider the motion. Motion carried with the following vote (5-1-0-0-0):

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

The public hearing was reopened at 6:04 p.m.

Doreen Lopez, the applicant, brought two gift boxes to show the Commission the proposed product. The gift boxes would contain an array of items, not just alcohol. The flowers and the gift boxes are placed into one large box and shipped together.

Mark House stated that not all gift boxes will contain alcohol. He requested that the Commission approve the project to help support the growth of the business.

The public hearing was closed at 6:12 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Mercy to adopt Resolution No. 17-29 approving Conditional Use Permit No. 17-23. Motion carried with the following vote (4-2-0-0-0):

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

NEW PUBLIC HEARINGS

4. ONE-YEAR EXTENSIONS

a. Tentative Tract Map No. 62121

Chairman Vose opened the public hearing at 6:13 p.m., to hear a request for extension by Royal Investors Group, LLC, to subdivide 82 single-family lots in the R-7,000 Zone and one commercial lot in the Commercial Planned Development (CPD) Zone (formerly a subdivision for 115 single-family lots in R-7,000 Zone), located on 30.3± gross acres at the northwest corner of 40th Street West and Avenue K.

Commissioner Cook recused herself due to the proximity of her house to the project, and left the dais.

Chris Aune presented the staff report. The applicant, or their representative, was not present at the meeting; however, an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report. Staff is confident that the applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

Chairman Vose stated that the original map and the exhibit of the map do not conform with the current General Plan and zoning of the property. Staff clarified that the proposed conditions reference the map exhibit and states that the final maps needs to be in conformance with the exhibit and meet all the street design and requirements from the City's Subdivision Ordinance.

There was one speaker card.

Jim Quellman, who lives in close proximity to the proposed project, spoke in opposition. He was concerned about the impact of the commercial business to the middle school students near the

proposed project. He stated there is already sufficient commercial businesses within the area and requested the Commission deny the extension request to stop the commercial development.

Chairman Vose responded, stating that the land is zoned Commercial, so unless there is a zone change, the zoning stays with the land. Brian Ludicke explained that the CPD Zone would require a conditional use permit for any development and the uses could include supermarkets, fast food restaurants, banks, etc.

The public hearing was closed at 6:26 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to grant a one-year extension to October 16, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 05-71. Motion carried with the following vote (5-0-0-1-0):

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

Commissioner Cook returned to the dais at this time.

b. Tentative Tract Map No. 72875, Conditional Use Permit No. 14-08

Chairman Vose opened the public hearing at 6:27 p.m., to hear a request for extension by Imagine Development, to subdivide 65 single-family lots as a Residential Planned Development (RPD) in the R-7,000 Zone, located on 10.15± gross acres at the northeast corner of 25th Street East and Avenue J-8.

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. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There was one speaker card.

John Ippolito asked a few questions regarding the street improvements conditioned for the proposed project.

Staff responded to Mr. Ippolito's questions, stating that there would be street improvements, but there would be no connections to the north and the east until future projects are proposed and conditioned to make the improvements. There is connectivity from the south and west of the project. A roundabout will be placed at the intersection of 25th Street East and Avenue J-8.

The public hearing was closed at 6:33 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to September 22, 2018, 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, Hall, Harvey, Mercy, Smith, Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

5. Conditional Use Permit No. 17-22

Chairman Vose opened the item at 6:34 p.m., to hear a request by Lancaster Commerce, LLC, for a conditional use permit for a banquet facility for private events and to allow beer and wine (Type 58 California State Alcoholic Beverage Control (ABC) License) to be provided on the premises in the Commercial Planned Development (CPD) Zone, located at 1140 Commerce Center Drive.

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. There is a condition on the project that would restrict in and out privileges; once a guest enters the facility, they cannot leave and come back.

Myrle McLernon, the applicant's representative, stated that all events would take place inside the facility, there would be tenant improvements made, and there is adequate parking on-site.

The public hearing was closed at 6:40 p.m.

It was moved by Commissioner Mercy and seconded by Commissioner Smith to adopt Resolution No. 17-28 approving Conditional Use Permit No. 17-22. 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.

NEW BUSINESS

7. New Housing Laws

Chairman Vose opened the item at 6:41 p.m., to hear a presentation from Staff regarding new State housing laws.

Cynthia Campaña gave the presentation. In September, Governor Jerry Brown signed a comprehensive legislative package, which included 15 new bills, to increase the State's housing supply. The General Plan Annual Report will require additional information, which will include an inventory of all available property to develop housing. Some bills aim to create more affordable housing. Voters

need to pass State Bill 3 in November in order for the funds to be made available to City for the proposed projects in the other bills. Through the Housing Accountability Act, the State can overturn the City's decision if a reasonable person challenges the denial of a project that complies with the general plan, land use, and zoning.

DIRECTOR'S ANNOUNCEMENT

Brian Ludicke stated that the City Council adopted the City's Master Plan of Complete Streets, associated General Plan Amendment, and amendment to the Subdivision Ordinance.

The first meeting for the community benefit working group, of which Chairman Vose and Vice Chair Hall are members, will be held on Tuesday, October 17, 2017, but is not a public meeting.

COMMISSION AGENDA

The Planning Commission regular meetings will be held on January 22, 2018, and February 26, 2018, due to the Martin Luther King, Jr. Day and President's Day holidays. The Special Meetings for Agenda Review will still be held on the second Monday of the month at 4:30 p.m.

PUBLIC BUSINESS FROM THE FLOOR – NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 7:07 p.m. to the Special Meeting for Agenda Review on Monday, November 13, 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