

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

August 27, 2018

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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 Harvey.

ROLL CALL

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

Absent: Commissioner Cook.

Also present were Community Development Manager (Larissa De La Cruz), Assistant City Attorney (Jocelyn Corbett), City Engineer (Trolis Niebla), Principal Planner (Jocelyn Swain), Associate Planner (Brenda Magaña), Community Development Technician (Marlon Cervantes), Recording Secretary (Joy Reyes), and Administrative Aide (Ashley Hollers). There were 59 people in the audience.

Chairman Vose informed the public that the Commission would be hearing Item 4 and Item 5 on the agenda last.

CONSENT CALENDAR

1. Approval of Minutes

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to approve the Minutes from the Regular Meeting of July 16, 2018. Motion carried with the following vote (5-0-1-0-1):

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

CONTINUED PUBLIC HEARINGS

2. Shopping Cart Ordinance

Chairman Vose previously opened the public hearing to hear a request by the City of Lancaster for an amendment to the Lancaster Municipal Code adding Chapter 8.62 to Title 8 of the Lancaster Municipal Code relating to Shopping Cart Containment, Retrieval and Abatement.

Jocelyn Corbett presented the staff report, and there were none in the audience who wished to speak on the request. She responded to questions from the Commission regarding the costs the City would be able to eliminate with the proposed amendment.

The public hearing was closed at 5:18 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Smith to adopt Resolution No. 18-15, recommending to the City Council approval of an amendment to Title 8 (Health and Safety) of the Lancaster Municipal Code by adding Chapter 8.62 relating to Shopping Cart Containment, Retrieval and Abatement. Motion carried with the following vote (6-0-0-0-1):

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

NEW PUBLIC HEARINGS

3. ONE-YEAR EXTENSIONS**a. Tentative Tract Map No. 66620**

Chairman Vose opened the public hearing at 5:19 p.m., to hear a request by Antelope Valley Engineering for a one-year extension to an approved Tentative Tract Map for a nine single-family lot subdivision in the Rural Residential zone. The proposed project is located on ±8.45 gross acres located on the northeast corner of Avenue M and 23rd Street West (Assessor's Parcel Numbers (APNs) 3109-013-080, -065 and -066).

The staff report was waived, and there were none in the audience who wished to speak on the request.

The public hearing was closed at 5:20 p.m.

It was moved by Commissioner Mercy and seconded by Commissioner Harvey to adopt Resolution No. 18-23, granting a one-year extension to July 16, 2019, for Tentative Tract Map No. 66620 based on the findings contained in the staff report, and subject to the Revised Conditions List, Attachment to Resolution No. 07-32. Motion carried with the following vote (6-0-0-0-1):

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

6. Conditional Use Permit No. 18-13

Chairman Vose opened the public hearing at 5:21 p.m., to hear a request by Samuel Guillen (Sammy's and Carlos's Cafe), for a Conditional Use Permit (CUP) to allow a Type 41 (on-sale beer and wine for a bona fide restaurant) Alcoholic Beverage Control (ABC) license and entertainment in an existing restaurant (Sammy's and Carlos's Cafe) in the Light Industrial (LI) zone. The proposed project is located at 42101 Sierra Highway (APN 3128-014-018).

Marlon Cervantes presented the staff report, and the applicant was present to answer any questions. There was one speaker.

Christina Ong expressed her concerns over having the project next to her place of business, the Regalodge Motel.

Vice Chair Hall asked if there are conditions in the proposed resolution that address her concerns regarding the hours of operation and noise, which Marlon Cervantes confirmed there are. Commissioner Harvey asked for clarification on the conditions regarding security. Larissa De La Cruz informed the Commission that staff can modify the condition to be stated more clearly.

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

It was moved by Commissioner Smith and seconded by Vice Chair Hall to adopt Resolution No. 18-26 approving Conditional Use Permit No. 18-13 to allow a Type 41 (on-sale beer and wine for a bona fide restaurant) Alcohol Beverage Control License and entertainment in an existing restaurant (Sammy's and Carlos's Cafe) in the Light Industrial zone, located at 42101 Sierra Highway (APN 3128-014-018) with revised conditions. Motion carried with the following vote (6-0-0-0-1):

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

7. Tentative Tract Map No. 61733

Chairman Vose opened the public hearing at 5:30 p.m., to hear a request by Shaffy Nasser of Icon Properties, Inc. for a subdivision for 18 single-family lots in the Semi-Rural Residential (SRR; minimum lot size 20,000 square feet) zoning designation. The proposed project is located on ±10 acres at the northeast corner of 27th Street West and Avenue L-4 (APN 3109-011-045).

Brenda Magana presented the staff report. Chairman Vose stated they received two comment letters on this item. There were two speakers.

Speaker No. 1: Bob Deal, Lancaster resident, expressed his concerns over the traffic patterns and exit routes.

Speaker No. 2: Sue Yergensen, Lancaster resident, expressed her concerns regarding the increased traffic, sidewalks, and recent problems with an individual that is staying behind the project site.

Jocelyn Corbett provided clarification for Chairman Vose on the process of removing homeless individuals who are on a property without permission. City Engineer, Trolis Niebla, provided the Commission with information on traffic and street configuration around the proposed project site.

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

It was moved by Commissioner Harvey and seconded by Commissioner Moore to adopt Resolution No. 18-27, approving Tentative Tract Map No. 61733 to allow for the subdivision of 18 single-family lots in the SRR zone. Motion carried with the following vote (6-0-0-0-1):

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

8. Amendment to Medical Cannabis Ordinance

Chairman Vose opened the public hearing at 5:43 p.m., to hear a request by the City of Lancaster for an amendment to Chapters 5.56 and 17.43 of the Lancaster Municipal Code relating to the regulation of Cannabis Cultivation and Manufacturing Facilities.

Jocelyn Corbett presented the staff report.

Commission Moore asked if the previously approved cannabis facilities would be allowed to open storefronts. Jocelyn Corbett explained that this amendment would still not allow for storefronts, or dispensaries, in the City.

Jocelyn Corbett answered various questions from the Commission regarding the number of facilities allowed, the application and change of ownership process, and screening of applicants, and their associates, to ensure all laws are properly followed.

Vice Chair Hall requested clarification on the manufacturing of medical cannabis, and how they would be receiving the cannabis if they did not cultivate it on-site.

There were three speaker cards.

Speaker No. 1: David Paul expressed his support for the proposed changes, and his gratitude to the Commission and staff for their efforts.

Speaker No. 2: Jerry Ferrso, Pastor at Lancaster Baptist Church, expressed his opposition to the request by stating that “less is more.”

Speaker No. 3: Sarah May, with Tarzana Treatment Centers, provided the Commission with various study results regarding the use of cannabis.

The public hearing was closed at 6:41 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Moore to adopt Resolution No. 18-28, recommending to the City Council approval of an amendment to Chapters 5.56 and 17.43 of the Lancaster Municipal Code relating to the regulation of Cannabis Cultivation and Manufacturing Facilities. Motion was denied with the following vote (2-4-0-0-1):

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

Chairman Vose stated he would like to reconsider the motion to allow them to continue the matter for more discussion, rather than denying it.

It was moved by Chairman Vose and seconded by Vice Chair Hall to reconsider the previous vote and continue the item to a later date. Motion carried with the following vote (6-0-0-0-1):

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

Chairman Vose stated the public hearing will be left open on this matter, and continued the item to the next regular meeting on September 17, 2018.

4. Conditional Use Permit No. 17-31

Commissioner Moore chose to recuse himself from the discussions on Item 4 and Item 5 to avoid conflict of interest, as he is a member of the International Brotherhood of Electrical Workers (IBEW). Commissioner Moore left the dais at this time.

Chairman Vose opened the public hearing at 6:48 p.m., to hear a request by sPower Development Company, LLC (fka FTS DEVCO, LLC) for the construction and operation of an 80-megawatt photovoltaic solar electric generating facility in the RR-2.5 zone (Rural Residential, minimum lot size 2.5 acres). The proposed project is located on ±291 acres generally bounded by Avenue J-4, Avenue K-8, 85th Street West, and 75th Street West; (APNs 3203-020-072, 073, 076, 077, 085, 087, 088; 3203-028-006, 008; 3203-024-020; 3203-023-001, 002; 3248-016-003 thru 018; 3248-024-006 thru 008, 031, 032).

Jocelyn Swain presented the staff report. She answered questions from the Commission regarding mitigation fees, landscaping, and requirements for parks and trails.

There were four speaker cards.

Speaker No. 1: Mitch Klein, representing IBEW, shared his excitement and support for the project, and the career opportunities that it will create.

Speaker No. 2: Darmie Ademola Sule-Udu, Lancaster resident, expressed his opposition to the project, because the City already has multiple solar facilities.

Speaker No. 3: George Lane expressed his support for the solar projects, and their locations, because their impact on residents and resources is minimal.

Speaker No. 4: David Gomez expressed his support for the project, because of the career opportunities it will create.

Chairman Vose and Jocelyn Swain discussed the mitigation measures. Garrett Bean, representing the applicant, answered questions from Chairman Vose regarding the lack of irrigation systems and landscaping issues on their other projects in the City. They also briefly discussed the comment letters received.

The public hearing was closed at 7:35 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Smith to adopt Resolution No. 18-24 approving Conditional Use Permit No. 17-31 to allow for the construction and operation of an 80-megawatt photovoltaic solar electric generating facility generally bounded by Avenue J-4, Avenue K-8, 85th Street West, and 75th Street West. Motion carried with the following vote (3-2-0-1-1):

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

5. General Plan Amendment No. 18-02, Zone Change No. 18-02, and Conditional Use Permit No. 18-04

Chairman Vose opened the public hearing at 7:37 p.m., to hear a request by San Pablo A, LLC (dba sPower) to amend the General Plan land use designation from Urban Residential (UR) and Park (PK) to Non-Urban Residential (NU); rezone the subject site from R-7,000 (single family residential, minimum lot size 7,000 square feet) and PK (Park) to RR-2.5 (Rural Residential, minimum lot size of 2.5 acres); and construction and operation of a 100-megawatt photovoltaic solar electric generating facility in the RR-2.5 zone. The proposed project is located on ±424 gross acres (414 net acres) generally bounded by Avenue H, Avenue G, 75th Street West, and 90th Street West (APNs 3219-012-001, 3219-013-001, 3219-015-001, 3268-018-039, 3268-018-900).

Jocelyn Swain presented the staff report. She answered questions from Chairman Vose regarding comment letters received,

There were four speakers.

Speaker No. 1: Mitch Klein, representing IBEW, reiterated his support for the projects.

Speaker No. 2: Ginger Stout, Lancaster resident, expressed her opposition to the project, because it would negatively affect their lifestyle and the wildlife in the area.

Speaker No. 3: Ron Hawkins, resident of Antelope Acres, explained his opposition to the project, because of the disturbances caused during construction process.

Chairman Vose briefly responded to his comments. Garrett Bean, representing the applicant, approached the podium to address to the speakers' comments. He explained the steps the applicant is taking to help both the wildlife and the community, and to limit the adverse effects that may be caused by the construction or maintenance of their projects.

The public hearing was closed at 8:07 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Mercy to adopt Resolution No. 18-25 approving Conditional Use Permit No. 18-04 to allow for the construction and operation of a 100-megawatt photovoltaic solar electric generating facility, adopting a mitigated negative declaration, and recommending approval of General Plan Amendment No. 18-02 and Zone Change No. 18-02 to the City Council. Motion carried with the following vote (3-2-0-1-1):

AYES: Mercy, Smith, and Vose.

NOES: Hall and Harvey.

ABSTAIN: None.

RECUSED: Moore.

ABSENT: Cook.

COMMUNITY DEVELOPMENT MANAGER’S ANNOUNCEMENT

Larissa De La Cruz informed the Commission that the high speed rail will be holding their next community outreach meeting will be held on September 12, 2018, and also provided them with an estimated timeline of their process.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR – NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 8:11 p.m. to the Special Meeting for Agenda Review on Monday, September 10, 2018, at 4:30 p.m., in the City Council Chambers, Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

JOY REYES, Recording Secretary
City of Lancaster