

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION October 15, 2018

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CALL TO ORDER

Chairman Vose called the regular meeting to order at 5:02 p.m.

INVOCATION

Chairman Vose.

PLEDGE OF ALLEGIANCE

Commissioner Moore.

ROLL CALL

Present: Commissioners Harvey, Moore, Parris, Smith, and Chairman Vose.

Absent: Commissioners Cook and Donovan.

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), Administrative Assistant (Joy Reyes), and Recording Secretary (Sandra Ramirez). There were 24 people in the audience.

NOMINATION OF VICE CHAIR

Commissioner Harvey made a motion and Commissioner Moore seconded the motion to nominate Commissioner Sandy Smith to be elected for Vice Chair of the Planning Commission. The motion carried for Commissioner Sandy Smith for Vice Chair of the Planning Commission with the following vote (5-0-0-0-2):

AYES: Harvey, Moore, Parris, and Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Cook and Donovan.

PUBLIC BUSINESS FROM THE FLOOR - AGENDIZED ITEMS

None.

CONSENT CALENDAR**1. Approval of Minutes**

Chairman Vose indicated that the approval of the September 17, 2018 Minutes were postponed to the next Planning Commission Meeting of November 26, 2018

CONTINUED PUBLIC HEARINGS**6. Valley Fever Update**

Chairman Vose moved item number 6 related to Valley Fever up to the beginning of the agenda and introduced Patti Garibay. Ms. Garibay mentioned that earlier in the year, Chairman Vose and the Commissioners heard a presentation from the Los Angeles County Public Health which provided an overview of Valley Fever in the Antelope Valley and received various options to address the issue, one of them being a study by a professor at Cal State Bakersfield. She reminded the Commission that they requested a follow-up presentation. For that reason, she invited Dr. Lauer, from the California State University Bakersfield; she is a Professor of Microbiology, where much of the research on Valley Fever had taken place. She informed that Dr. Lauer was one of the top researchers on Valley Fever, and knew much about the topic.

Dr. Lauer gave an in-depth presentation on Biocontrol of Coccidioides in disturbed habitats. Her overview included Dust mitigation-prevention of valley fever, Biocontrol – of plant pathogens, of Coccidioides, and Biocontrol study in Lancaster. She mentioned factors contributing to increased fugitive dust emissions in the Antelope Valley such as Soil Disturbance, Erosion, and Dust which were spores in Valley Fever. She mentioned how there was an increase throughout the years.

Chairman Vose and Commissioner Harvey obtained some clarifications on dust mitigation. Chairman Vose gave Dr. Lauer some references on resources in her district and Lancaster's district to possibly assist her financially, for her to conduct her experiment.

2. General Plan Amendment No. 18-03, Zone Change No. 18-03, and Conditional Use Permit No. 18-05

Chairman Vose opened the public hearing, to hear a request by the applicant – Calandri Properties for an amendment of the General Plan land use designation from Non-Urban Residential (NU) to Light Industrial (LI); rezoning of the subject site from RR-2.5 (Rural Residential, minimum lot size of 2.5 acres) to Light Industrial (LI); and construction and operation of a 122, 871 square-foot medical cannabis cultivation and manufacturing facility in the LI zone.

Principal Planner, Jocelyn Swain presented the updated staff report.

Chairman Vose informed there was no receipt of an uncontested letter, and Jocelyn Swain confirmed. Applicant, Calandri Properties addressed the Commission and informed them, that they had taken the Commission's recommendation seriously, and had submitted a revised fence detail. He informed the Committee on the type of block wall, and the landscaping proposed to be used as additional upgrades and their cost, as per the Committee's suggestion.

Chairman Vose closed the public hearing.

Commissioner Smith made a motion and Commissioner Harvey seconded the motion to adopt Resolution No. 18-30 approving Conditional Use Permit No. 18-05 to allow for the construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility, adopting a mitigated negative declaration, and recommending approval of General Plan Amendment No. 18-03 and Zone Change No. 18-03 to the City Council. The motion carried with the following vote of (5-0-0-0-2):

AYES: Harvey, Moore, Parris, Smith, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Cook and Donovan.

NEW PUBLIC HEARINGS

3. Conditional Use Permit No. 18-20

Chairman Vose opened the public hearing, to hear a request by Pilmera for Conditional Use Permit to allow for a virtual gaming facility in an existing tenant space (Pilmera) in the Boulevard District of the Downtown Lancaster Specific Plan (SP 08-01) zoning designation.

Chairman Vose mentioned that there was a receipt of an uncontested letter, and there were no speakers.

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

Commissioner Moore made a motion and Commissioner Harvey seconded the motion to adopt Resolution 18-34 approving Conditional Use Permit No. 18-20 to allow for a virtual gaming facility in existing tenant space (Pilmera) in the Boulevard District of the Downtown Lancaster Specific Plan (SP 08-01) zoning designation. The motion carried with the following vote (5-0-0-0-2):

AYES: Harvey, Moore, Parris, Smith, and Chairman Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: None.
 ABSENT: Cook and Donovan.

4. Time Extension for Tentative Tract Map No. 72875, Conditional Use Permit No. 14-08

Chairman Vose opened the public hearing, to hear Bret Thorpe of David Evans and Associates, Inc., for a one-year extension to an approved Tentative Tract Map for a subdivision for 65 single-family lots as a Residential Planned Development (RPD) in the R-7,000 zone, located at 10.15± gross acres on the Northeast corner of 25th Street East and Avenue J-8 (APN 3150-012-033).

The staff report was waived, and there were no speakers. Chairman Vose closed the public hearing.

Commissioner Harvey made a motion and Commissioner Moore seconded the motion to adopt Resolution No. 18-35, granting a one-year extension to September 22, 2019, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 14-13. The motion carried with the following vote (5-0-0-0-2):

AYES: Harvey, Moore, Parris, Smith, and Chairman Vose.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Cook and Donovan.

NEW BUSINESS

5. CEQA Update

Chairman Vose mentioned that Ms. Swain would be giving a brief update on likely new regulations as it affects CEQA, that ought to be adopted pretty soon.

Jocelyn Swain informed the Commission, that on November 27, 2017, the proposed guideline revisions were submitted to the Natural Resources Agency to start the rulemaking process. It started January 26, 2018, with the notice of the proposed rulemaking; some minor revisions were made to the updated CEQA guidelines at that point. On July 3, 2018, the California Resources Agency published the fifteen-day language. Additional revisions and tweaks were made to the language that was transmitted to them, and were sent out for public review for fifteen days. She informed the Commission, that any comments made as a result of the fifteen days were expected to be minor. New guidelines are expected to be implemented by the beginning of 2019.

She informed the Commission that the new guidelines will incorporate the revisions mandated by SB 743 and AB 52. As SB 743 requires among many other things, that lead agencies no longer use level of service to determine impacts related to traffic, and they are required to use vehicle miles traveled, in order to determine significance. Levels of service may still be used for informational purposes in Environmental documents, but in order to determine significance, vehicle miles traveled will be the standard, which will be used statewide by the July 1, 2020.

She informed the Commission that the City had already started implementing the required changes when they adopted the Complete Streets Masterplan, and the Commission had reviewed some of them. Some of the required changes in SB 743 were already incorporated into that revised language. She informed that AB 52 had already added to the CEQA guidelines in 2016. This required leading agencies to notify tribal groups with interest in the area, a proposed projects that required an initial

study or a DIR, and offer them an ability to provide input into tribal sacred resources and to ask for consultation with a lead agency and a developer. She informed that had already been included in the City's initial studies in the first or second page, and towards the end of the initial study, itself.

She mentioned that the update consolidated many of the Appendix G questions. There were seventeen resource areas in the traditional Appendix G; some of the questions were duplicated that were asked in the biological resources, and also asked in lane use, or there were questions regarding airport accidents, hazards, and noise. She informed the Commission, that those questions had been consolidated. She said a lot of the questions had been reworded for clarity, and it added two new resource categories to the Appendix G checklist; the first one was Energy, as it always has been required in Environmental Impact Reports (EIR), but had not typically been required in the initial studies, which is now a requirement. The new category was on Wildfires with some additional questions.

She mentioned that the other thing CEQA guidelines provided was additional direction and clarity on gas analysis, thresholds of significance, and expands on the City's ability, and if you choose to adopt those thresholds and deviate, an explanation needs to be provided as to why that was done, but it clarifies that you may use other agency standards when evaluating significance. The City may use the Air District's thresholds to determine or not a proposal project construction would be significant or not. Additional clarifications are provided on Environmental settings, and it does another number of clean-up language to address lawsuits, minor wording tweaks, and some other things. Changes will start to be noticed in the initial studies in January or February, or shortly thereafter, of the adoption of the new guidelines. Ms. Swain made herself open to any questions.

Chairman Vose inquired about the proposed regulation modification as it related to litigation and whether it limited the opportunity for litigation under CEQA or whether it expanded it. Ms. Swain replied that she did not think it limited the opportunity, however, she referred to the Assistant City Attorney. Chairman Vose gave an example of the "Better Neighborhood," bringing a lawsuit against a project, suggesting a cash settlement to go away, and whether it would prevent that from happening. Ms. Swain replied that it would not be prevented, and the standard of review would not change in CEQA documents. She explained for initial studies and Mitigated Negative Declaration would still be a fair argument standard, and an EIR would still be a substantial evidence standard.

COMMUNITY DEVELOPMENT MANAGER'S ANNOUNCEMENT

None.

COMMISSION AGENDA

Larissa De La Cruz informed the Commission that the November Agenda will not be so light, as there will be seven items to review. The Agenda review will be November 19, 2018, and the regular meeting will be November 26, 2018.

PUBLIC BUSINESS FROM THE FLOOR –AGENDIZED ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 6:24 p.m. to the Special Meeting for Agenda Review on Monday, November 19, 2018, at 4:30 p.m., in the City Council Chambers, Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

SANDRA RAMIREZ, Recording Secretary
City of Lancaster