

MINUTES

SPECIAL MEETING OF THE LANCASTER PLANNING COMMISSION June 22, 2020

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In response to Governor's Executive Order N-29-20, this meeting was conducted telephonically and audio streamed live via GoToMeeting on Channel 28 and the City's website. All votes were taken by roll call.

On Monday, June 15, 2020, the Regular Meeting of the Planning Commission met virtually. However, due to technical difficulties that would prevent public callers from joining the call, the meeting was postponed to Monday, June 22, 2020. Chairman Vose opened the public hearing agenda items before the meeting was adjourned.

CALL TO ORDER

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

INVOCATION

Commissioner Parris.

PLEDGE OF ALLEGIANCE

Commissioner Parris.

ROLL CALL

Present: Cook, Harvey, Moore, Parris, Smith, Tufts, and Vose.

Absent: None.

Also present were Assistant City Attorney (Jocelyn Corbett), Senior Planner (Jocelyn Swain), City Engineer (Trolis Niebla), Senior Engineer/City Traffic Engineer (Matt Simons), Planner (Cynthia Campana), and Recording Secretary (Danielle Winter).

PUBLIC BUSINESS FROM THE FLOOR - AGENDIZED ITEMS

No emailed comments or public speakers. Chairman Vose stated the Commission had received uncontested letters, which is correspondence from the applicant stating whether they

agree or disagree with the proposed conditions. The Commission received uncontested letters for Agenda Items #4, 6, and 7. An uncontested letter was not received for CUP 18-17.

MINUTES

1. Approval of Regular Minutes of May 18, 2020

Commissioner Cook made a motion, and Vice Chair Smith seconded the motion for the approval of the May 18, 2020 Minutes.

The motioned carried with the following vote of (7-0-0-0-0):

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

NEW PUBLIC HEARINGS

2. Senate Bill 743

City Engineer, Trolis Niebla, presented for the item along with Senior Engineer, Matt Simons. The consultants from Fehr & Peers, Nico Boyd and Sarah Brandenburg, also presented and were available for questions.

Commissioner Tufts had a question regarding the Home Based Work VMT (vehicle miles traveled). He asked if using the higher value, which is approximately four times as much for the West, what results would we end up with on the target of 15%? What is the advantage of using the lower number versus the higher number of 41.8. He wanted to know if we were getting the best possible choice. Nico Boyd explained the different contexts in which the three metrics would use. He stated that it's not a matter of choosing among the three, but identifying what kind of project is being considered and which metric is the right one to apply based on the denominator of the equation. Commissioner Tufts asked if we were voting on adopting one of the denominators. However, Nico clarified that it would be all three of them. If the project is residential, the Home-Based VMT per capita would be used. An office project would use the Home-Based Work VMT per employee, and a General Plan/Specific Plan project would use the Total VMT per Service Population.

Commissioner Tufts asked for clarification regarding when the low VMT area is used. Nico stated if a project is proposed in a TAZ (Transportation Analysis Zone) that is already 15% or more below the relevant regional metric, that project can be screened out for VMT analysis on the grounds of generating low VMT. If a project is proposed in a TAZ that is not already 15% or more below that regional average, then a more detailed VMT analysis would need to be conducted including changing the land uses and estimating how many new trips that project would generate and what VMT would be associated with the proposed project.

Chairman Vose stated that density housing typically has some underlying funding model. He asked if those projects would meet the threshold. Nico confirmed that affordable housing is typically screened from further analysis. Chairman Vose commented that if a project meets the VMT threshold, the applicant is now responsible for that additional step and cost. He asked if the applicant would need to reach out to consultants such as Fehr & Peers for VMT analysis. Sarah Brandenburg, a consultant with Fehr & Peers, replied that depending on the size of the project, a typical office/residential project is under \$10,000 and would be around \$7,500. A large VMT analysis for a Specific Plan would be closer to \$15,000-\$20,000 range.

Chairman Vose asked if there were any emailed comments or callers from the public on the call who wished to speak. There were no comments or callers so the public hearing was closed.

Commissioner Moore made a motion, and Commissioner Cook seconded the motion to adopt Resolution No. 20-09 recommending to City Council approval of General Plan Amendment No. 20-09 for an amendment to the Physical Mobility Chapter for the adoption of VMT baselines and thresholds as required by Senate Bill (SB) 743.

The motioned carried with the following vote of (7-0-0-0-0):

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

3. Tentative Tract Map 78213 (Time Extension)

Planner, Cynthia Campana, confirmed the project was a City of Lancaster Housing Authority project. Commissioner Harvey recused herself due to being on the Housing Authority board and left the call. Since there were no emailed comments or public speakers, and a staff report was not requested to be heard, Chairman Vose closed the public hearing.

Vice Chair Smith made a motion, and Commissioner Moore seconded the motion to adopt Resolution No. 20-10, granting a two-year time extension to May 14, 2022, for Tentative Tract Map No. 78213 and Conditional Use Permit No. 17-27 for a residential planned development of 167 single-family lots and seven open space lots.

The motioned carried with the following vote of (6-0-0-1-0):

AYES: Cooke, Moore, Parris, Smith, Tufts, and Vose.
 NOES: None.
 ABSTAIN: None.
 RECUSED: Harvey.
 ABSENT: None.

Commissioner Harvey returned to the call at 6:11 p.m.

4. Conditional Use Permit No. 17-19

Senior Planner, Jocelyn Swain, presented the staff report. Amjad Hanbali, a representative for the project was available for questions regarding the project.

Commissioner Moore asked if the restaurant is the reason why they need the waiver. The waiver is for the two gas stations located nearby.

Commissioner Cook asked if there had been any concerns from nearby businesses or received any comments from the public and Jocelyn replied that we had not received any comments.

Commissioner Tufts asked what the hours of operation were of the other gas stations located near the project site. Jocelyn stated that she did not know the hours of operation because neither of those gas stations have a conditional use permit as they sold alcohol prior to the adoption of the ordinance and have been grandfathered. Commissioner Tufts had concerns regarding the number of parkings spaces. Jocelyn replied that there is no minimum parking standard in the Commercial zone.

Chairman Vose had a few concerns regarding the floor plans as there were no key notes available. He had questions regarding the hours of operation of the gas station and the mini mart and asked how it would operate as an employee is required on site at a 24-hour business. The representative replied that they can add a window for visual observation if necessary. Chairman Vose asked for confirmation on the location of the doors (double and single). He also asked how many employees would be on site throughout the day. Chairman Vose asked where the employees will park. The applicant replied that they could park on the street, however Jocelyn stated that there is no street parking on 20th Street W or Avenue I.

Chairman Vose asked about the switch gear location and that it needs to be located inside the building not on the outside. He also mentioned that the trash enclosure is not screened. Hanbali replied that the trash enclosure is facing inside the lot. Jocelyn commented that the front cannot be screened from the interior as it will block the access for Waste Management, but the sides are screened with landscaping.

Chairman Vose inquired about the operation of the SMOG place. He asked if the vehicles pull all the way into the garage or partially because they would be blocking one parking space and a walkway for the handicap space. Hanbali replied that it is ADA compliant and the parking space would remain clear. Chairman Vose asked what services are offered at the SMOG test and what size vehicles will be tested since the site is challenging due to circulation and parking. He also asked where the gasoline trucks park to offload fuel. The way the tank farm is located in relation to the pump island requires that the gas truck would block the ingress and egress of the driveway. Chairman Vose asked where their clarifier is located for the cooking operation. Hanbali replied that he did not know what type of restaurant they would have in the mini mart yet.

Chairman Vose asked what the reasons were for the waiver since there were two other gas station/mini marts in the nearby area. Hanbali replied that there is a major intersection and that for customers to have to go across the street to buy products is unpractical. Jocelyn Swain replied that

the convenience portion of the waiver is met because the proposed project is the only gas station/mini mart heading west. The AM/PM and Chevron are not accessible westbound without having to do a U-turn. Commissioner Harvey asked if that is the only reason why a waiver is being requested. Jocelyn replied that the necessity portion of the waiver comes from a variety of factors such as being needful for operation of the business which are all identified in the resolution. Vice Chair Smith commented that since there is a lot of uncertainty it would be best to continue the project. Commissioner Cook agreed and said the Commission needs clearer actions and answers regarding the project which would only fair to the applicant.

The applicant recapped the concerns that the Commission had and stated that they can make the improvements needed.

Vice Chair Smith wanted to clarify the pre-packaged food that the representative mentioned and if they would not need a kitchen to prepare the food. The representative replied that a large commercial kitchen is not needed. It would be more like a deli where food would be warmed or heated and no major cooking would be required.

Commissioner Parris suggested that the applicant be present at the next meeting should we continue the item as it would be helpful in answering the questions about the project.

Vice Chair Smith made a motion, and Commissioner Parris seconded the motion to continue CUP 17-19 to the July 20, 2020 Regular PC Meeting.

The motioned carried with the following vote of (7-0-0-0-0):

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

5. Conditional Use Permit No. 18-17

Two comment letters were submitted regarding CUP 18-17. The letter from CalTrans stated approval of the project would not result in a direct adverse impact to existing State transportation facilities. The other letter was from the Law Offices of Saul Reiss who spoke in favor of the project. The applicant had spoken to Senior Planner, Jocelyn Swain, requesting that the item be continued to the July PC Meeting.

Commissioner Cook made a motion, and Vice Chair Smith seconded the motion to continue Conditional Use Permit No. 18-17 to the July Planning Commission Meeting. There were no emailed comments or public speakers.

The motioned carried with the following vote of (7-0-0-0-0):

AYES: Cook, Harvey, Moore, Parris, Smith, Tufts, and Vose.
 NOES: None.

ABSTAIN: None.
 RECUSED: None.
 ABSENT: None.

6. Conditional Use Permit No. 15-09 (Amendment)

Since there were no emailed comments or public speakers, a staff report was not requested to be heard, Chairman Vose closed the public hearing.

Commissioner Tufts asked where the batteries are being placed. Jocelyn Swain replied that all of the batteries are being placed behind the substation on the site plan. Most of the site is already built out with solar panels. The project is on a 5-acre piece of land within the 352-acre development. Commissioner Tufts commented that the Del Sur Elementary School is close to the site location, and he wanted to know what kind of hazard the batteries could present in the event of a fire. Jocelyn replied that the school is 2 miles north of the site, and the batteries are contained within a cargo container which are temperature controlled and have appropriate fire suppression. Commissioner Tufts asked what the storage capacity is of the batteries. Jocelyn stated she did not know what the individual capacity of each battery would be however the entire development is 100 megawatts of battery storage.

Vice Chair Smith made a motion, and Commissioner Cook seconded the motion to adopt Resolution No. 20-14 approving Conditional Use Permit No. 15-09c to allow for construction and operation of the battery storage facility on the subject property at the southeast corner of Avenue J-6 and 100th Street West in the RR-2.5 zone and adopting the Addendum to the Initial Study/Mitigated Negative Declaration approved on October 19, 2015.

The motioned carried with the following vote of (7-0-0-0-0):

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

7. Conditional Use Permit No. 17-04 (Amendment)

Since there were no emailed comments or public speakers, a staff report was not requested to be heard, Chairman Vose closed the public hearing.

Vice Chair Smith made a motion, and Commissioner Cook seconded the motion to adopt Resolution No. 20-15 approving an amendment to Conditional Use Permit No. 17-04 (17-04a, 17-04b, and 17-04c) to allow for the construction and operation of the Big Sky Substation and two battery storage facilities in the RR-2.5 zone and adopting the Addendum to the Initial Study/Mitigated Negative Declaration approved on December 18, 2017.

The motioned carried with the following vote of (7-0-0-0-0):

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

COMMUNITY DEVELOPMENT MANAGER’S ANNOUNCEMENTS

None.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR – AGENDIZED ITEMS

No emailed comments or public speakers.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 7:10 p.m. to the Special Meeting on Monday, July 13, 2020, at 4:30 p.m., in Lancaster City Hall.

JAMES VOSE, Chairman
Lancaster Planning Commission

ATTEST:

DANIELLE WINTER, Recording Secretary
City of Lancaster