

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION October 19, 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 Zoom on Channel 28 and the City's website. All votes were taken by roll call.*

### **CALL TO ORDER**

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

### **INVOCATION**

Chairman Vose.

### **ROLL CALL**

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

Absent: Smith and Tufts.

Also present were Community Development Manager (Larissa De La Cruz), Assistant City Attorney (Jocelyn Corbett), Senior Planner (Jocelyn Swain), City Engineer (Trolis Niebla), Planner (Mitzi Alvarado), and Recording Secretary (Danielle Winter).

### **PUBLIC BUSINESS FROM THE FLOOR - AGENDIZED ITEMS**

The Commission received correspondence for TTM 61921 from Caltrans and the California Department of Fish and Wildlife. Correspondence was also received for CUP 87-04. Chairman Vose stated the Commission had received uncontested letters, which are correspondence from the applicant stating whether they agree or disagree with the proposed conditions. The Commission received an uncontested letter for Agenda Items #2-5.

### **MINUTES**

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#### **1. Approval of Regular Meeting Minutes of September 21, 2020**

Commissioner Harvey made a motion, and Commissioner Cook seconded the motion for the approval of the minutes for the Regular Meeting on September 21, 2020.

The motion carried with the following vote of (5-0-0-0-2):

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

## **NEW PUBLIC HEARINGS**

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### **2. Tentative Tract Map 74965 (Time Extension)**

Commissioner Harvey had to recuse herself since the project was brought by the City of Lancaster's Department of Housing, and she sits on the board for the Housing Authority.

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

Commissioner Moore made a motion, and Commissioner Parris seconded the motion to adopt Resolution No. 20-21, granting two-year time extension to December 18, 2022, for an approved Tentative Tract Map (TTM) No. 74965 and a Conditional Use Permit (CUP) No. 17-26 for a residential development of 78 single-family attached units on individual lots with 1.17 acres of common open space and landscaping.

The motion carried with the following vote of (4-0-0-1-2):

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

Commissioner Harvey returned to the meeting.

### **3. Tentative Tract Map 80290 (Time Extension)**

Chairman Vose asked if there were any emailed comments or callers from the public on the call who wished to speak. Carl Malick, the applicant for the project, was available for questions. There were no comments or callers. Since there were no public speakers and a staff report was not requested to be heard, Chairman Vose closed the public hearing.

Commissioner Cook made a motion, and Commissioner Moore seconded the motion to adopt Resolution No. 20-22, granting a three-year extension to November 26, 2023, for Tentative Tract Map No. 80290 for a 74 single-family residential lot subdivision in the R-7,000 zone.

The motion carried with the following vote of (5-0-0-0-2):

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

#### **4. Tentative Tract Map No. 61921**

The Commission received correspondence for TTM 61921 from Caltrans and the California Department of Fish and Wildlife (CDFW). Senior Planner, Jocelyn Swain, presented the staff report. The letter from Caltrans did not have any issues with the analysis and requested that we change our standards for vehicle miles traveled (VMT) to include other information. However, our standards have already been adopted, and the project is exempt from the vehicle miles traveled analysis due to it being located in an area that has 15% less VMT than the average threshold established by the City. Additionally, Caltrans has no authority over the City standards within City properties and streets. They only have authority over public highways within the state of California.

The other comment letter was received by the California Department of Fish and Wildlife (CDFW). Most of the issues raised in their comment letter have been covered within the Initial Study, and adequate mitigation measures have been put in place to address those concerns. Joshua trees were recently listed as a candidate species by the California Fish and Game Commission, and language has been included in the Initial Study that the applicant would comply with any standards in the event that it was listed.

A special status bumble bee has also been classified as a candidate species. Staff cannot add the mitigation requests from CDFW because it was not discussed within the Initial Study. Staff is requesting that the agenda item be continued to the December Planning Commission Meeting in order to circulate the Initial Study with the requested analysis.

Commissioner Harvey asked for clarification regarding the special species of bumblebee. Jocelyn replied that in July 2019, the CA Fish and Game Commission listed four candidate species of bumblebees in the state of California. An official determination is due by December 2020. One of the species has the potential to occur on the project site. Two mitigation measures have been requested. One is that detailed surveys are conducted during the flying season a year before development activities occur. If impacts cannot be avoided, they would need an incidental take permit. However, the measures cannot be added to the project since it was not discussed in the Initial Study.

Chairman Vose stated that the way he read the comment letter was that the CDFW pointed out much more extensive mitigation measures. They also mentioned legless lizards. Jocelyn

replied that she went back and looked at the biological report prepared for the project in 2019 and in 2005, and in neither instance did the biologist identify suitable habitat or the lizard on site, which is why it was not included in the Initial Study. Chairman Vose stated they did not have the biological report and only what was given to them by staff. The survey for the bee cannot be done now as their flying season is March 1st to September 1st. Larissa De La Cruz commented that the reports do not need to be updated, but we need to account for the analysis in the environmental document. The reports and the observations of the bees can be deferred, but we need to account for it and include it in the narrative. We need to incorporate the added comments and mitigation measures from CDFW.

Chairman Vose mentioned that CDFW raised concerns with nine other items in their comment letter and asked if Staff will be including further analysis on any of those items. Jocelyn replied she can add additional clarification to the document since she is recirculating the document for biological resources. Chairman Vose commented that the property cannot be developed because it is still yet to be determined whether or not the species needs to be protected. Jocelyn responded that it would make developing the property more difficult. She also does not see the need to change the mitigation measures for the items that CDFW raised. She can add additional clarification.

Jocelyn pointed out that when we receive a project, agency mailings go out and CDFW receives the project for comments. They receive both the site plans and the biological report. They never responded to the agency mailing at the beginning of the project which would have given them an early ability to comment so staff could address their concerns. Chairman Vose asked if the Commission did nothing, ignored the letter, and approved the project, the State could bring suit against the City. Larissa De La Cruz commented that we would be compromising the City and be approving a document that would not be legally defensible. The Assistant City Attorney, Jocelyn Corbett, concurred that the Commission should not approve the document as is. Chairman Vose asked if the project site location was given drainage acceptance to the tract that is dumping water on it now. Trolis, City Engineer, stated they would have to do the research on the project to find out.

Commissioner Harvey made a motion, and Commissioner Parris seconded the motion to continue Tentative Tract Map 61921 to the December Planning Commission Meeting in order to circulate the Initial Study with the requested analysis.

The motion carried with the following vote of (5-0-0-0-2):

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

**5. Conditional Use Permit No. 87-04**

A comment letter was received in favor of the item. Since there were no other emailed comments or public speakers, a staff report was not requested to be heard, Chairman Vose closed the public hearing.

Commissioner Harvey made a motion, and Commissioner Moore seconded the motion to Adopt Resolution No. 20-24 approving an amendment to Conditional Use Permit (CUP) No. 87-04 to allow for the operation of a daycare facility within one of the existing church buildings located at 725 East Avenue J.

The motion carried with the following vote of (5-0-0-0-2):

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

**COMMUNITY DEVELOPMENT MANAGER'S ANNOUNCEMENTS**

Larissa congratulated Trolis Niebla for his new role as the Assistant City Manager. She thanked him for his work with the Development Services Department and as the City Engineer.

**COMMISSION AGENDA**

None.

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

No emailed comments or public speakers.

**ADJOURNMENT**

Chairman Vose declared the meeting adjourned at 5:50 p.m. to the Special Meeting on Monday, November 9, 2020, at 4:30 p.m., in Lancaster City Hall.

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JAMES VOSE, Chairman  
 Lancaster Planning Commission

ATTEST:

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DANIELLE WINTER, Recording Secretary  
 City of Lancaster