

# MINUTES - DRAFT

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## SPECIAL MEETING OF THE LANCASTER PLANNING COMMISSION

October 22, 2007

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### CALL TO ORDER

Chairman Mann called the meeting to order at 7:00 p.m.

### INVOCATION

Pastor Chris Johnson of Grace Chapel did the invocation.

### PLEDGE OF ALLEGIANCE

Vice Chairman Troth led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

Present: Commissioners Faux, MacPherson, Salazar, Vice Chairman Troth and Chairman Mann.

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Principal Civil Engineer (Carlyle Workman), Senior Civil Engineer (Marissa Diaz), Recording Secretary (Tess Epling), and an audience of approximately 71 people.

### AGENDA ITEMS

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#### 1. GENERAL PLAN AMENDMENT NO. 04-04 ZONE CHANGE NO. 04-05

Chairman Mann opened the public hearing at 7:06 p.m. to hear requests by JP Eliopulos to amend General Plan land use designation for 8.5± gross acres located at the southeast corner of Avenue K and 30<sup>th</sup> Street West from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) to C (Commercial) and MR2 (Multiple-Family Residential, 15.1 to 30 dwelling units per acre); and rezone property from R-10,000 (single family residential one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development) and HDR (High Density Residential, 15.1 to 30 dwelling units per acre) Zones.

Vice Chairman Troth recused himself from the hearing, citing that his residence is within 500 feet of the development.

Brian Ludicke suggested to Chairman Mann to open all agenda items at the same time, and staff would then give an overall report (one for the southeast corner and one for the southwest corner), then hear public testimony. The Commission could then choose to act on them separately or at once, as they deemed fit.

The staff report was presented by Brian Ludicke. The request on the southeast corner involves a tentative parcel map to divide the property and CUP's both for the commercial and residential portions of the site. The request for general plan amendment and zone change would change a site that has had a number of land use designations. Originally, as far back as 1960, the County of Los Angeles designated this site a combination of commercial and medium high density residential. When the City was incorporated, the site was assigned a designation by L.A. County known as RPD 10,000 15U (allowed a density of 15 units per acre for development). When the City's original General Plan was approved, it was designated as MR (Moderate Residential), and was amended in 1997 from MDR to R-10,000. The applicant's request would represent the latest in a series of varied land use designations in that area. The intent is to develop the northern portion of the site as a commercial shopping center and develop 50 condominium units on the southern portion of the site. Staff has looked at whether there is a reasonable need to provide some kind of commercial services given the proximity to the college. It would include a Fresh & Easy neighborhood market, a coffeehouse and a drugstore. The southern portion would consist of proposed townhouse-type condominiums designed in such a way that there would be access between the commercial project and the residential project. The City looked at the opportunity to have a pedestrian connection that would not require the use of any vehicle. Staff feels that, in concept, the idea of creating a situation where there is an interaction between commercial and residential areas seem to make sense. Conditions related to the sale of alcohol were included in the CUP as there are 2 potential sellers of alcohol.

Commissioner MacPherson commented that there has not seemed to be a continuity of zoning over the years. Chairman Mann stated that, given his 15 years with the Planning Commission, he recalled at least one zone change there.

Nathan Ung, representing the applicant, came forward and thanked the staff for their design input. He also submitted a stack of petitions signed by residents in support of the project. He gave a brief presentation about the project, and commented that they had some issues on the conditions of approval, namely: Item Nos. 41 of CUP 07-10, and 14 & 16 of CUP 05-07 (need clarification from staff); Item Nos. 42 of CUP 07-10 and 14 of CUP 05-07 (Mitigation Monitoring report received was incomplete). Brian Ludicke responded that the Mitigation Monitoring program is contained in the Final Environmental Report, and that the other items mentioned were for discussion with staff in conformance with City code. The ground elevations involve the core common space areas to provide the opportunity for privacy of units facing the common area.

There were speakers in the audience who wished to comment, as follows: They indicated that they were referring to Items 1 and 2.

Jackie Fisher, representing Antelope Valley College, stated that he was in support of the project, and that this project would be a great opportunity for the college as the amenities and services would meet the growing needs of the college.

Ed Knasin, resident of Lancaster, CA, spoke in favor of the project. He said that he lives across Avenue K and has stared at vacant land for many years. He complimented Andrew Eliopulos' effort to bring this project forward, and believes that JP Eliopulos will bring in quality retailers and not just build an ugly strip mall.

Bill Koukourikos, representing Saints Constantine & Helen Church, expressed that he was excited about the upcoming developments, and that the project would lend excellent landscaping in the area. The development to the north would not interfere with their church so they are fully supportive of the project.

Sheila Semana, resident of Lancaster, CA, voiced her support for the project and praised the design on the southwest corner. As for the southeast corner, she said that she was disappointed that the project intended to be placed there would be a drugstore. The design of wrap-around parking is not a compliment to the college.

Thanasi Papoulias, resident of Lancaster, CA, stated that he became a resident of the area 2½ years ago, and that he was looking forward to a commercial development of this caliber, not only on a personal level but also from the point of view of students of the college.

Melissa Zimmerman, resident of Lancaster, CA, was supportive of the development because of its general cleanliness and aesthetics. The area used to be a dusty open space, so she is quite excited about the commercial project.

Kevin Sanders, resident of Lancaster, CA, would like to laud the applicant for having the foresight and vision to develop this mixed-use project.

Gerry Bigalk, resident of Lancaster, CA, gave copies of a letter he wrote voicing his support for the project in his capacity as a former Planning Commissioner and long-time resident. He urged the Planning Commission to approve the project because he believes that the proposed stores would increase the quality of life of residents by bringing in high quality stores. He said that the design and architecture was great.

Nellie Focht, representing Prestige Care Assisted Living, stated that the project would provide great dining and retail opportunities, and that it would be a fine addition to the neighborhood and the senior facility.

Jason Zink, resident of Lancaster, CA, presented maps to the Planning Commission and said that it was in the City's best interest to develop the area, whether commercial or residential. He said that the first map indicated a high density residential, which he felt did not coexist with the area. The second map showed the townhouse complex proposed, which the residents would be tremendously impacted. His proposal was to have backyards for the condominium units and parking in front. He also opined that the college is considered a diamond so the projects around it should be high quality.

John Nottoli, resident of Lancaster, CA, said that he became in favor of the project when he saw the proposed outline. His backyard will be facing the project, and his pool will no longer get dirt and tumbleweed. The proposed development will upgrade the area and add value to the properties there.

Llewelle P. Drew, resident of Lancaster, CA, voiced her strong opposition, stating that she had seen very nice residential homes that A. Eliopulos has built, and he would improve the area. She commented that Andrew's mother lived across from her for many years and so has Andrew. She would rather see private homes built there. She did not want alcoholic beverages sold in that area because of the students in the AV College. As it is, there have been a lot of traffic accidents occurring on 30<sup>th</sup> Street West and K. The high density of traffic would be terrible.

David McCaslin, resident of Lancaster, CA, spoke in opposition to the request, citing that the project would distort his view of the mountains, and that there was no need for another drugstore and food store in the area, as there are already existing ones within a mile of the community corner. He was concerned about the sale of alcohol, especially since there is a college across the street from the proposed commercial building. The increased traffic would contribute to fatalities, crime, noise and pollution. Putting a commercial project in this nice area is a travesty. He commented that all these factors were considered insignificant by the City.

At this time, Chairman Mann requested the audience to refrain from the applause and the shout-outs to ensure a speedy meeting.

Linda McCaslin, resident of Lancaster, CA, lamented that the residents did not receive a notification from the Alcohol & Beverage Control (ABC). Nor did they receive a copy of the Environmental Impact Report; she had to go to the City website for it. She would like to address the following issues: on page I-12, the blockage of view of mountains would diminish the enjoyment of their home, and drastically decrease their property value. As for air quality, delivery trucks and dumpsters would contribute to air pollution. The project would significantly impact the water problem. Regarding transportation and traffic, there are frequent accidents on Avenue K and 30<sup>th</sup> Street West, and the study did not consider sufficiently the rapid growth of the college. She was greatly concerned that the grocery store would be vacated later should the venture not become viable, and that the condominium units would become student housing or Section 8 housing. She hoped that the City would consider the rights of the majority of people.

Sandra Murphy, resident of Lancaster, CA, concurred with Ms. McCaslin's comments. She understood that 27<sup>th</sup> Street West and Avenue K will have a stoplight; she thought that there should be an on-ramp onto Avenue K from 27<sup>th</sup> Street West. Traffic is horrendous, and there are already unusual people travelling fast down 27<sup>th</sup> Street West that makes it difficult to cross the street. She believed that the value of their properties would go down. She wondered if Dixie Eliopulos was present, what she would say about all this, and if she would want this too. At this point, Dixie Eliopulos stood up to acknowledge the query, and Ms. Murphy turned around to address her. Chairman Mann had to remind Ms. Murphy to address the podium.

Dorothea Jernigan, resident of Lancaster, CA, requested for additional time to speak as she was also speaking on behalf of her husband, Donald Jernigan. She stated that the proposed amendment should not be approved because of the following inconsistencies in the General Plan: Objective 4.3 Policy 4.3.1A which covers excessive noise, Objective 4.3 Policy 4.3.1F, G & H

which covers traffic noise, Objective 14.2, Policy 18.1.3, Policy 19.1.2, Policy 19.1.4, Objective 16.1 and Goal 15 – Levels of Service. Police protection response time should be 7 minutes, but she knows from personal experience that the response time is 20 minutes. It is not consistent with issues, opportunities and constraints under streets and highways. The traffic count and peak hour calculation was inaccurate because it was done during the holidays when no classes were in session. She felt that there was no need for a commercial project in this area as there are already existing stores within a mile of the area. The EIR should not be approved because it did not do a thorough research into the potential impacts of the project on the residents. She opined that crime would increase due to alcohol sales. The proposed stores would not bring in sufficient employment opportunities to support the area. Forty two percent of AV College students receive financial aid and over fifty three percent are minority based. The current neighborhood provides homes to doctors, engineers, CPAs and high-end management staff from Lockheed and Boeing.

Ray Chavira, representing AV Alcohol, Tobacco and Other Drug Policy Coalition, distributed to the Commission a statistical sheet from ABC. Two additional alcohol outlets will actually impact a lot more than the crime statistics presented before the Planning Commission. Alcohol relates to violent crimes, homicide, rape, robbery and assault. He did not see a compelling need for two more alcohol outlets on the southeast corner, and possibly a restaurant on the southwest corner. Public health and safety, peace and morality of the community should be the paramount concern of the City.

Ken Jones, representing Lancaster Baptist Church, stated that as a church, they were highly opposed to further increase of alcohol outlets in the City of Lancaster due to its correlation with crime. Providing an opportunity for inexpensive alcohol sales that is close to the college and making alcohol available to college kids is a highly explosive issue. It will lower the standard of living of residents.

Melvin Morrow, resident of Lancaster, CA, expressed his opposition to the project and said that the big issue here is the safety factor involved, and the Planning Commission has the obligation to the residents to ensure the zoning is observed so the City is run and spaced properly. Alcohol sales would bring about an increase in crime. Parking in the area would be highly impacted. The water situation should also be looked into. He suggested that the Commission consider Section 1 page 9 A and C of the plan as alternatives to the wish list of the developer.

John Foltin, resident of Lancaster, CA, opined that the area should only be zoned residential. He questioned whether the new plans for a commercial development would be better. On the contrary, it boils down to the City and the developer making more money from commercial developments. Over the years, he witnessed the City of Lancaster being the flagship of the Antelope Valley to becoming a big joke. He hoped that the zone change application would be denied to re-plan for a more suitable development.

Barbara Foltin, resident of Lancaster, CA, stated that she has been a resident for 60 years, and they live one lot from the project location. She commented that 10 feet of block wall and some plants before a 20-foot high building is not considered adequate interface. She submitted photos showing the new Vallarta Market on Avenue I showing the building as 40 feet from the property line, and still the view from the homes next to it is just a cement block. Their view of the mountains would be obstructed. There is no need for another market and drugstore in the

area. Traffic count was inaccurate. The project is a result of the developer's greed and she was disappointed with the Planning staff.

Charles Wordsworth, resident of Lancaster, CA, submitted a letter to the Planning Commission. He said that there are already stores in close proximity to the area so there is no need for more stores, much less a strip mall that would more likely appeal to Section 8 landlords. The traffic situation would certainly worsen, the residents would be subjected to noise, odors, garbage spread by the winds, and crime typically associated with strip malls would adversely affect property values.

Anne Durr, resident of Lancaster, CA, commented that the southeast corner should remain R-10,000. Changing the zoning would be a breach of trust by the City. The City instead should be pursuing infill of existing vacant properties. There are already the same types of facilities available within a mile of their properties. College kids would instead park in the strip mall and avoid having to buy parking permits.

David Paul, resident of Lancaster, CA, stated that his main concern was that there was no way a road would be put through K-1. If there was to be a gate closed at night for pedestrians to come through there, people would rob the store riding bicycles.

Dixie Eliopulos, resident of Lancaster, CA, said that she was not supposed to speak but due to recent controversial projects proposed both in Lancaster and Palmdale in the recent years, she saw the need to defend who she is. She is proud of the Eliopulos name and the beautiful work of John and Andrew. She urged and recommended to the Planning Commission the postponement of this item, at the least. She mentioned that she was a member of first General Plan Citizens Advisory Committee several years ago, and that it was a thorough and meticulous process. At that time, Don Ross, president of the college, made it clear to the Committee that they did not want commercial projects around the college, and that its use had to pertain to college use.

Wayne Staley, resident of Lancaster, CA, commented that the traffic situation would worsen, and that there was no need for commercial projects in that intersection. The interface between the big yellow house on 28<sup>th</sup> Street and the commercial development does not seem to work.

The applicant was invited to come back and give his rebuttal. Nathan Ung responded that he was able to get a study that showed similar commercial projects in the City of Lancaster in relation to home values that are adjacent to a shopping center and properties several blocks away, and the values were in the same price range. They requested for a crime report from the Sheriff's Department but due to time constraints, the report was not completed on time. Speaking to a City of Palmdale planner, he said that most of the crime was not related to the commercial center but mainly to the activities surrounding the commercial center. As for the parking situation, the commercial area was designed so that an additional fifty percent was added on top of the city requirements, and that they worked with Fresh & Easy to design a façade that was more aesthetically pleasing.

Chairman Mann closed the public hearing at 9:16 p.m. Commissioner MacPherson thanked everyone for speaking with passion. He was concerned about the perceived unsustainable development type. He thinks that the corner in question is a premier area and that

a mixed use type of development is appropriate to look into, that he was supportive of the concept in the area. The southeast side should be treated with more sensitivity and care as to how existing residential areas should be buffered. Chairman Mann concurred with Commissioner MacPherson's insights. Based on his education on walkability and mixed projects, as the City continues to evolve, we see a need for changes and modifications. He thinks it is the right project for the corner but he has a hard time with the residential aspect. The issue of interface as to how residential can transition into commercial projects should be looked into. Regarding condominiums, he stated that it is an appropriate product as there was a concentration on the construction of single tract homes on R-7,000 lands. As Planning Commissioners, they work for the total betterment of the citizens, and sometimes they have to strike a balance. Commissioner Faux stated that she considered walkability a key factor, and that she sees the potential of condominium development as a marketable venture. She thinks that it will be a fine addition and that she would like to see this project go forward. She inquired if a red light camera would be installed, to which Carlyle Workman answered in the affirmative. Commissioner Salazar opined that the concept and timing of mixed use is good as there is a need for alternatives to single family dwellings. His great concern was the location, and there are 4 or 5 issues that have to be resolved before he could give his approval, namely: buffering, removing the commercial project from the single family dwelling, safety, alcohol sales and traffic. Commissioner MacPherson stated that based on what he heard tonight, he did not think it was appropriate to have an up or down vote at this time. There is a potential for this project to be executed in a manner that is more sensitive to its site, taking into account the issues raised.

It was moved by Commissioner MacPherson and seconded by Chairman Mann to continue General Plan Amendment No. 04-04 and Zone Change No. 04-05 indefinitely. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson, Salazar, and Chairman Mann

NOES: None.

ABSTAIN: Vice Chairman Troth.

ABSENT: None.

2. **CONDITIONAL USE PERMIT NO. 07-10**  
**CONDITIONAL USE PERMIT NO. 05-07**  
**TENTATIVE PARCEL MAP NO. 69301**

Chairman Mann opened the public hearing at 7:06 p.m. to hear requests by J. P. Eliopoulos for the following: Conditional Use Permit No. 07-10 to construct 3 buildings totaling 41,849 square feet of commercial retail in the CPD Zone on 5.0± net acres; Conditional Use Permit No. 05-07 to construct 50 multiple family units in the HDR Zone on 3.5± net acres and Tentative Parcel Map No. 69301 to create 4 parcels on the site ranging in size from 1.4 acres to 3.5 acres in the CPD and HDR Zones on 8.5 net acres.

Vice Chairman Troth recused himself from the hearing, citing that his residence is within 500 feet of the development.

Members of the public who came forward to speak in favor of and in opposition to the project indicated that they were referring to both Items 1 and 2.

Chairman Mann closed the public hearing at 9:16 p.m.

It was moved by Commissioner MacPherson and seconded by Chairman Mann to give direction to refer this item back to Staff for redesign to resolve the following issues within a maximum timeframe of four months: walkability between residential and commercial, including sidewalks wide enough to accommodate the potential pedestrian flow from the college to the bus stop; traffic; buffering between single family residential and commercial projects, including use of higher density residential as transitional component; safety; restrictions on alcohol sales consistent with provisions that historically have been placed before and residential building design/elevation to address privacy issues. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson, Salazar, and Chairman Mann

NOES: None.

ABSTAIN: Vice Chairman Troth.

ABSENT: None.

### **3. GENERAL PLAN AMENDMENT NO. 06-01** **ZONE CHANGE NO. 06-01**

Chairman Mann opened the public hearing at 7:06 p.m. to hear a request by Lancaster Redevelopment Agency for the following: amend General Plan land use designation for 4.7± gross acres located at the southwest corner of Avenue K and 30th Street West from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) to C (Commercial) and rezone property from R-7,000 (single-family residential one dwelling unit per 7,000 square feet) to CPD (Commercial Planned Development) Zone.

Vice Chairman Troth recused himself from the hearing, citing that his residence is within 500 feet of the development.

Silvia Donovan presented the staff report. In 1978, the zoning designation of the site was RPD-10,000 25 dwelling units. Based on the 1990 Zoning Ordinance, the site was designated MDR-1DP. In 2001, the City initiated a general plan and zone change request to designate the property from MR1 to UR and rezone from MDR to R-7,000 as it is today. The applicant is requesting a commercial project that is approximately 35,700 square feet of commercial retail. The project is currently not ready to be presented but for illustrative purposes, the shops would be situated on the corner of Avenue K and 30<sup>th</sup> Street West. Adequate parking, landscape and transition can be provided to the Bethel Christian Church to the west and the Mirabella Townhomes to the south. North of the site is Antelope Valley College. Staff believes that the area can easily be zoned commercial because there is adequate amount of land designated, its proximity to the college and the people who live in Mirabella Townhomes could benefit from some local commercial uses.



Kelvin Tainatongo of Redevelopment Agency spoke on behalf of the applicant, Marinita Development, who could not attend the meeting due to the fires. He stated that the property is currently in escrow with the college and Marinita Development, and they are proposing a 30,000 square-foot retail center.

Kelvin came back to give his rebuttal after the members of the public finished speaking. He stated that they had met with the homeowners association of the condominium units, and the topic of shared parking came up. There was a redesign so that the developer was able to fit the proper number of parking needed. They also talked to Dr. Fischer of AV College, and he stated that an additional 1,000 parking spaces will be considered to meet increased demand in student population. Regarding the ABC issues, the developer is aware there is a new ordinance, and they are expected to comply with those conditions. For a 36,000 square-foot project, it does increase traffic but it would be something considered nominal or insignificant.

Brian Ludicke announced that a speaker card was submitted by representatives of Fresh & Easy, the tenant of the proposed commercial center. The discussion with the attorney was that given the rules of process, testimony is taken from people in favor and in opposition, with a chance for rebuttal. Unless it is specific to some kind of rebuttal, he would be hesitant to advise the Commission to take it as new testimony only because then, the opportunity has to be given again to anyone else who has not spoken in opposition. The Commissioners conferred and they decided to close the public hearing.

Chairman Mann closed the public hearing at 9:16 p.m.

It was moved by Commissioner MacPherson and seconded by Chairman Mann to continue General Plan No. 06-01 and Zone Change No. 06-01 indefinitely. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson, Salazar, and Chairman Mann

NOES: None.

ABSTAIN: Vice Chairman Troth.

ABSENT: None.

## **COMMISSION AGENDA**

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None.

## **DIRECTOR'S ANNOUNCEMENTS**

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The study session for November 2007 is scheduled on Tuesday, November 13<sup>th</sup>, at 5:00 p.m.

## **PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS**

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None.

**ADJOURNMENT**

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Chairman Mann declared the meeting adjourned at 9:55 p.m. to Tuesday, November 13, 2007, at 5 p.m., in the Planning Conference Room, Lancaster City Hall.

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KENNETH G. MANN, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster