

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION JANUARY 24, 2022

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Pursuant to Government Code section 54953(e), 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: Vose, Cook, Harvey, Moore, Parris, and Tufts

Also present were Community Development Manager (Larissa De La Cruz), Senior Planner (Cynthia Campana), Planner (Monique Garibay), Planner (Mitzi Alvarado), Capital Engineer (Stephen Carrillo), Principal Planner (Jocelyn Swain), Assistant City Attorney (Jocelyn Corbett), Senior Engineer (Matthew Simons), Community Development Tech I (Jeannie Ma), Community Development Office Assistant (Heather Matlock) and applicants.

PUBLIC BUSINESS FROM THE FLOOR - *AGENDIZED ITEMS*

The commission received correspondence and uncontested letters regarding items #2, #3, #4, #5, and #6 (all items).

There were no other public comments.

MINUTES

1. Approval of Regular Meeting Minutes of November 15, 2021

Commissioner Harvey made a motion and Commissioner Tufts seconded the motion for the approval of the minutes for the Regular Meeting on November 15, 2021.

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

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

CONTINUED PUBLIC HEARINGS

Housing Element, Safety Element, Environmental Justice Element Update General Plan Amendment 20-02; Zone Change Amendment 21-01

Public Comment: Mr. Jared Langford, a representative of Carpenter’s Local Union 661 called in to voice concerns and requested that some sort of Labor Standards to go along with this Housing Element update, standards in which would require developers to utilize workers that come from a skilled and trained work force, make sure workers have paid sick leave and medical benefits. Mr. Langford asks that we add skilled and trade language into our Housing Element that includes labor standards.

Public Comment: Mr. Josh Christensen called in to provide some research done by UC Berkley, regarding funding and our tax dollars, specifically in regard to construction workers without healthcare. Mr. Christensen requested that the City put some sort of language into our projects that protects carpenters and those workers who are building our residential buildings.

Commissioner Parris asked to provide a comment in response to Mr. Langford and Mr. Christensen’s comments and concerns

NEW PUBLIC HEARINGS

2. Tentative Tract Map No. 62484

Planner, Monique Garibay, presented the staff report. Staff recommends that the Planning Commission adopt Resolution No. 22-01 approving Tentative Tract Map (TTM) No. 62484 for the subdivision of 9± gross acres into 37 single-family residential lots in the R-7,000 zone located at 9± gross acres at the southeast corner of 25th Street East and Nugent Street (Assessor Parcel Numbers: 3150-027-022 & -026) and adopting a Mitigated Negative Declaration.

Chairman Vose had a question about the Condition #74 in the condition list, as well as Items # 97, #98, and #99. Mr. Vose believes this is the first time we’ve seen this specific condition. Planner Garibay informed all that there is a typo for Condition #74, the second bullet point should read to “Avenue J” instead of Avenue I.

Planner Garibay informed the Commission that in 2020, the city adopted standards and thresholds for analyzing projects in regard to the vehicle miles traveled (VMT Analysis). The applicant for this project (and the next project) submitted the VMT Analysis to the city and the Traffic Engineer took a look at these analytics. It was determined that the project doesn't meet the criteria to exclude it from VMT items. In order for the vehicle trips to be reduced, we believe that the mitigation measures/conditions of approval that we added will improve this issue; to include bicycle lanes.

Chairman Vose asked for more information about how this data is obtained, what are the determining factors, and how do the numbers work in regard to the VMT Analysis.

Senior Engineer, Mr. Matthew Simons indicated that the information provided was from the modeling experts/consultants that the client hired provided the VMT data. Mr. Simons did mention that the data is a mathematical calculation that determines the number of vehicles/miles traveled from each one of the 37 lots that is proposed in this development. Estimated mileage from each of the 37 lots to work, shopping, etc. (numbers of trips).

Chairman Vose mentioned that if we are conditioning projects to make off-site improvements to satisfy CEQA conditions, we should have more information or understanding in regard. Chairman Vose mentioned he has no understanding of how these decisions are made and would like to know more in this regard, perhaps the study itself.

Mr. Simons mentioned he is not completely certain in how these factors are calculated, however, he did mention that the consultants the applicant used (Fehr & Peers) is known to be one the leaders in their field (in this particular type of analysis) and trusted the data provided.

The applicant, Ms. Pinero, informed us that we did not have a representative from Fehr & Peers available to speak, but that we could refer to page #44 of the initial study, as it has the exact information that was derived from the VMT report. It mentions the threshold and what has been exceeded. It also lists what has to be done to mitigate these results. Some examples are bike lanes and street striping. We are relying on their expertise for these results to assist with these endeavors.

Chairman Vose asked to see page #44 of the study, he then asked who established the 15% below threshold listed in the VMT Metrics chart. Principal Planner, Jocelyn Swain, mentioned that this threshold was established by the City Council in July 2020, when we adapted our threshold from VMT. The state has established some calculations as to how individual types of mitigation can help to reduce VMT's on a project to project basis. How to get projects below this 15% threshold.

Chairman Vose asked that if the VMT was 20%, what could be done? What would be a requirement? Ms. Swain mentioned that depending on the area there are several things that can be done. The state has determined that there is a maximum reduction each improvement can take for a VMT project to mitigate. If it can't be mitigated below that 15%, they can either do an E.A.R, an adopt statement for overriding considerations for traffic or they would need to wait for the city to adopt its program to address VMT on a larger scale.

Ms. De La Cruz mentioned that is a very complex complicated, data driven system. The city is working on establishing our own program EIR to identify adequate mitigation for all projects, but for now we use VMT recommendations from the analysis for individual projects.

There were no other public comments.

Chairman Vose closed the public hearing without objection. Commissioner Harvey made a motion to adopt Resolution No. 22-01 approving Tentative Tract Map (TTM) No. 62484 for the subdivision of 9± gross acres into 37 single-family residential lots in the R-7,000 zone located at 9± gross acres at the southeast corner of 25th Street East and Nugent Street (Assessor Parcel Numbers: 3150-027-022 & -026) and adopting a Mitigated Negative Declaration. Commissioner Cook Seconded the Motion.

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

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

3. Tentative Tract Map No. 62485

Senior Planner, Cynthia Campana, presented the staff report. Staff recommends that the Planning Commission Adopt Resolution No. 22-02 approving Tentative Tract Map (TTM) No. 62485 to allow for the subdivision of 10± gross acres into 39 single-family residential lots in the R-7,000 zone located at 10± gross acres at the southwest corner of 30th Street East and Nugent Street (Assessor Parcel Numbers: 3150-027-008 and 3150-027-025) and adopting a Mitigated Negative Declaration.

There were no member or public comments.

Chairman Vose closed the public hearing without objection. Commissioner Moore made a motion to adopt Resolution No. 22-02 approving Tentative Tract Map (TTM) No. 62485 to allow for the subdivision of 10± gross acres into 39 single-family residential lots in the R-7,000 zone located at 10± gross acres at the southwest corner of 30th Street East and Nugent Street (Assessor Parcel Numbers: 3150-027-008 and 3150-027-025) and adopting a Mitigated Negative Declaration. Commissioner Cook Seconded the Motion.

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

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

4. Conditional Use Permit No. 21-12

Senior Planner, Cynthia Campana, presented the staff report. Staff recommends that the Planning Commission adopt Resolution No. 22-03 approving Conditional Use Permit No. 21-12 to allow for a change of Alcoholic Beverage Control license type from a Type 20 (off-sale beer and wine) to Type 21 (off-sale general) for Target in the Commercial Planned Development zone located at 43525 10th Street West (APN: 3125-021-015).

Chairman Vose inquired as to the condition in which alcoholic beverages are displayed in proximity for non-alcoholic beverage placement (Condition #20). According to the site plan as provided, we are unable to determine where these non-alcoholic beverages would be placed. Applicant was able to provide information that the alcohol would be on its own separate isle; 4-5 isles down are the beverage isles; the back wall holds water.

Chairman Vose asked the Applicant if they intend to have the spirits closed and locked, or located on open shelves. Applicant believes they will be on open shelves, with some items to have security protections for higher end spirits. Commissioner Harvey inquired about more information about those items that will have locking mechanisms, if this was to deter theft or prevent the ability for customers who are underage (minors) to have access.

Applicant mentioned all cashiers are going to be undergoing training in regard to the responsible selling of alcohol, per California policy. There will also be a prompt on registers as well.

Commissioner Harvey inquired about cameras and security, as her concern lies more with minors having access to alcohol as opposed to Target's loss due to theft. Applicant mentioned that Target does have a specific requirement in regard to cameras in relation to the location of alcohol (one camera assigned to target that specific isle at all times).

Public Comment: Ms. Beth Aboulafia, an attorney for Hinman & Carmichael LLP based in San Francisco, she has done the alcohol and beverage licensings for Target stores. Ms. Beth stated that Target began selling alcohol in their California stores in the early 2000's. She wanted to make herself available for any questions that Commissioners may have. Target has been selling beer and wine at this particular store since 2003 and have had no incidents. Ms. Beth also mentioned that most of their Target stores in California currently sell beer, wine and spirits and would like to move forward with providing spirits to the Lancaster branch customers.

Commissioner Harvey asked if Ms. Beth had any data analytics available to quantify what her mention of no incidents in regard to theft of beer or wine of minors, if she had any hard data or numbers to provide in order to adequately mention no issue of this. Ms. Beth did not have any specific details in this regard. Mr. Huges, Target representative, had no knowledge within the two years of his employment at the Lancaster location. He had no information for previous years, but within the last two years no minor has been apprehended for alcohol theft. Commissioner Parris asked about the 17 years prior, the Applicant, Mr. Huges, said that he would have to run a Case Analysis to obtain any information in that regard, he didn't at present have that information on hand. Ms. Beth mentioned that when a store applies for an alcoholic license, the police are contacted in regard to any potential issues in anticipation of a store selling alcohol. The police had no

Comissioner Parris mentioned some dissapointment in the differences in which we handle private corporations and “mom and pop” stores in wanting to change or update/apply for liquor licenses. Commissioner Parris commented that we are not grilling the larger corporations, in this particular instance Target. Comissioner Parris is in disagreement with the way we’re handling this item, more specifically the difference between private industry/citizens applying for liquor licensing VS large cooperations. Comissioner Parris mentioned questions in regard to location of schools, churches, liquor stores, and other questions that are asked for Applicants in regard to the sell of alcohol.

Ms. De La Cruz wanted to make note that Target is already selling beer and wine, this particular motion or request is to sell distilled spirits.

Comissioner Parris offered a motion to Table, Comissioner Cook has seconded, however, she did mention we have not voted yet and are still in the dialog process.

Chairman Vose asked Ms. De La Cruz to put together a report in which consists of the questions and perimeters in which we look at for new alcohol beverage sells licensing. Commissioner Tufts also asks that we add the Census Unit within this report as well.

Chairman Vose closed the public hearing without objection. Commissioner Parris made a motion to Table Resolution No. 22-03 approving Conditional Use Permit No. 21-12 to allow for a change of Alcoholic Beverage Control license type from a Type 20 (off-sale beer and wine) to Type 21 (off-sale general) for Target in the Commercial Planned Development zone located at 43525 10th Street West (APN: 3125-021-015) until further information is provided. Commissioner Cook Seconded the Motion.

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

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

Motion carries, matter will continue to the next regular meeting, on February 28, 2022

5. Tentative Tract Map No. 74966

Senior Planner, Cynthia Campana, presented the staff report. Staff recommends that the Planning Comission adopt Resolution No. 22-04, granting a three-year time extension to February 24, 2025 for Tentative Tract Map No. 74966 located on Northeast Corner of Avenue J and 42nd Street West (Assessor Parcel Number: 3153-005-024, -025, -078, and -088).

Chairman Vose inquired if this extension now makes this a potential 19-year project that hasn’t even been built. Staff confirmed that this project has been inactive for that time span

There were no other public comments

Chairman Vose closed the public hearing without objection. Commissioner Cook made a motion to adopt Resolution No. 22-04, granting a three-year time extension to February 24, 2025 for Tentative Tract Map No. 74966 located on Northeast Corner of Avenue J and 42nd Street West (Assessor Parcel Number: 3153-005-024, -025, -078, and -088). Commissioner Moore Seconded the Motion.

ADD MOTIONS

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

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

6. Tentative Parcel Map No. 82826/Conditional Use Permit No. 17-16

Principal Planner, Jocelyn Swain, presented the staff report. Staff recommends that the Planning Commission adopt Resolution No. 22-05 granting a three-year extension for Tentative Parcel Map No. 82826/Conditional Use Permit No. 17-16 for the subdivisions of 32.75± gross acres of 16 lots in the SP 95-02 zone, located at the southeast corner of William J. Barnes Avenue and 47th Street West (APN: 3105-001-042).

Ms. Swain informed us this 3-year extension request to January 27, 2025 is to continue working for their water commitment letter and fire flow requirements.

Chairman Vose inquired if Edison was an option to assist with this endeavor, Ms. Swain mentioned it didn't seem to be a problem with them.

There were no other public comments

Chairman Vose closed the public hearing without objection. Commissioner Moore made a motion to adopt Resolution No. 22-05 granting a three-year extension for Tentative Parcel Map No. 82826/Conditional Use Permit No. 17-16 for the subdivisions of 32.75± gross acres of 16 lots in the SP 95-02 zone, located at the southeast corner of William J. Barnes Avenue and 47th Street West (APN: 3105-001-042). Commissioner Parris Seconded the Motion.

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

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

COMMISSION AGENDA

None.

COMMUNITY DEVELOPMENT MANAGER’S ANNOUNCEMENTS

Ms. De La Cruz mentioned that staff has a busy schedule ahead of them. Ms. De La Cruz also mentioned that there may be two meetings a month with action items.

Chairman Vose mentioned we now have a Tabled item, so be sure to keep that in mind when we decide on upcoming meetings. As of now, meetings in March are on the 14th and 21st.

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

No Comments

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 6:23 p.m. to the Special Meeting on Monday, February 14, 2022, via telephonic meeting pursuant to Government Code Section 54953(e).

JAMES VOSE, Chairman
Lancaster Planning Commission

ATTEST:

LARISSA DE LA CRUZ, Recording Secretary
City of Lancaster