

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

January 28, 2008

CALL TO ORDER

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

INVOCATION

Executive Pastor Jerry Chaddi from Central Christian Church delivered 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 and Salazar, Vice Chairman Troth and Chairman Mann.

Absent: None.

Also present were the Acting Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Assistant Planners (Brigitte Ligons and Elma Watson), Principal Civil Engineer (Carlyle Workman), Recording Secretary (Joy Reyes), and an audience of approximately 20 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Vice Chairman Troth and seconded by Commissioner Salazar to approve the Minutes of the Regular Meeting of December 17, 2007. Motion carried with the following vote:

AYES: Commissioners Faux and Salazar, Vice Chairman Troth and Chairman Mann

NOES: None.

ABSTAIN: Commissioner MacPherson.

ABSENT: None.

CONTINUED PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 02-07 AMENDED

Chairman Mann opened the public hearing at 7:06 p.m. to hear a request by Central Christian Church to install a 2,880 square-foot temporary commercial coach to be used as a sanctuary for the Spanish ministries in the R-7,000 Zone on 3131 West Avenue J (20 acres located at the northeast corner of Avenue J and 32nd Street West).

The Commission decided to waive the reading of the staff report since an uncontested hearing letter was received from the applicant and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:07 p.m.

It was moved by Commissioner Salazar and seconded by Commissioner MacPherson to adopt Resolution No. 07-56 approving Conditional Use Permit No. 02-07 Amended. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson and Salazar, Vice Chairman Troth and Chairman Mann
NOES: None.
ABSTAIN: None.
ABSENT: None.

3. TENTATIVE TRACT MAP NO. 66680/TENTATIVE PARCEL MAP NO. 69747

Chairman Mann opened the public hearing at 7:08 p.m. to hear a request by Stratham Homes for a subdivision of 238 single family lots on 72.9± gross acres located on the southwest corner of 52nd Street West and Avenue K-8 (128 lots are within the R-7,000 Zone, 89 lots are within the R-10,000 Zone, and 21 lots are within the R-15,000 Zone). TPM 69747 would subdivide the property into four parcels for financial purposes to allow the individual parcels to be sold.

The item is being continued to the March 17, 2008, Planning Commission meeting to provide additional time to resolve map and sewer design issues.

It was moved by Commissioner MacPherson and seconded by Commissioner Faux to continue Tentative Tract Map No. 66680/Tentative Parcel Map No. 69747 to the March 17, 2008, Planning Commission meeting. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson and Salazar, Vice Chairman Troth and Chairman Mann
NOES: None.
ABSTAIN: None.

ABSENT: None.

NEW PUBLIC HEARINGS

4 ONE-YEAR EXTENSIONS

a. VESTING TENTATIVE TRACT MAP NO. 61314

Chairman Mann opened the public hearing at 7:10 p.m. to hear a request by Kairos Fund for a subdivision of 84 single family lots in the R-10,000 Zone on 30± gross acres located at the south side of Avenue K and approximately 660 feet east of 25th Street East.

Elma Watson presented the staff report. She requested that Condition No. 12 be modified to read, "Per the direction of the Planning Director, the applicant shall provide homeowners with a disclosure notice indicating that a commercial center has been approved on the east of the property." Vice Chairman Troth inquired if the developer was aware of the modification, to which Elma responded that it was discussed with the developer.

Art Kearin, representing CCL Engineering, stated his concurrence to the modified conditions of approval.

Chairman Mann closed the public hearing at 7:14 p.m.

It was moved by Commissioner MacPherson and seconded by Vice Chairman Troth to grant a one-year extension to December 19, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-82, with revised Condition No. 12. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

b. VESTING TENTATIVE TRACT MAP NO. 61817

Chairman Mann opened the public hearing at 7:14 p.m. to hear a request by Frontier Homes for a subdivision of 151 single family lots in the R-7,000 Zone on 40± gross acres located on the northeast corner of future Avenue H-8 and future 15th Street East.

Silvia Donovan presented the staff report.

Ash Menay, representing the applicant, stated they have two tracts being heard before the Planning Commission, and it was his understanding that there has been talk about an added condition on TTM No. 61818 to dedicate a lot for road purposes, and that he would request consideration for the extension of TTM 61817.

There was no one in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:18 p.m.

It was moved by Vice Chairman Troth and seconded by Commissioner Salazar to grant a one-year extension to December 19, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-83. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson and Salazar, Vice Chairman Troth and Chairman Mann
NOES: None.
ABSTAIN: None.
ABSENT: None.

c. VESTING TENTATIVE TRACT MAP NO. 61818

Chairman Mann opened the public hearing at 7:18 p.m. to hear a request by Frontier Homes for a subdivision of 131 single family lots in the R-7,000 Zone on 40± gross acres located on the southeast corner of Avenue H and future 15th Street East.

Silvia Donovan presented the staff report. A letter was received from a neighbor about a lack of access to this property and staff was recommending a redesign of the map to provide connectivity to the property to the southeast. Commissioner MacPherson wanted to clarify if the reason why the location of the connection is approximately between Lots 71 and 74 is because it has not been established at this time where it should actually be located. Carlyle Workman responded that access to the east should be on Lot 74 because that would split the parcel line between the 2 ½ acre parcels immediately to the east of the tract. No maps have been submitted on the parcels to the east. Chairman Mann stated that in keeping with discussions held last year, it was discussed that pre-planning had to be done with maps to achieve cohesiveness. Carlyle Workman answered that this was a map that went forward without the type of pre-planning the City now has, and it has come to his attention that providing access to the lots to the east would make for a more cohesive design and connectivity. The plans for the tract to be extended have been completed so it is unusual to request for a change at this late stage. Commissioner MacPherson inquired if one lot would be wide enough to accommodate an access street to go through, and if there were other means to access the 2½ acre parcels. Carlyle Workman answered in the affirmative to the first query, and that there are other options to consider for access.

Ash Menay, representing the applicant, stated that they understood the concerns of the City but they already have a tract map that they spent a considerable amount of money on. He cited a case named “El Patio vs. Permanent Control Board of the City of Santa Monica” whereby no additional condition can be placed on the extension of a tentative tract map. It would be another issue if the City would decide to do condemnation or if the developer decides to purchase the landlocked lots.

There were speakers in the audience who wished to comment as follows:

Robert Hasson, representing PBG Builders, stated that they tried to gain access to the lots before and that they offered to pay the profit for the two lots; the developer then proceeded to build the lots; however, then they were denied access. Two lots have been affected by the development and they need to be given access.

The applicant came back up to respond that he did not have any personal knowledge of prior discussions to purchase the lots. He stated the question of access is not viable at this point as this would be a new condition that should not be put on at this time. The extension cannot be held up because of the current situation. They would be happy to discuss the issue with concerned neighbors regarding easement. He stated that the neighbors are not land locked and can get access through the properties to the east.

Chairman Mann referred the matter to the City Attorney for clarification. He stated that the case cited by the applicant did bolster his position. A conditional extension is permissible; however, there is a statute regarding imposing additional conditions on a vesting tentative tract map extension requiring a finding in the staff report that "a failure to impose a condition would place the residents of the subdivision or immediate community or both in a condition dangerous to their health, safety or both."

Commissioner MacPherson inquired under what circumstances the Commission could deny the request for extension. Brian Ludicke responded that it would have to be demonstrated that the project was inconsistent with the General Plan, or that there was some health or safety factor that could not be adequately mitigated without condition. In reviewing the timeline for this particular case, the applicant requested for a map extension in December, and, under the Map Act, the applicant has 60 days to complete the process; the hearing would then fall on February 19, 2008. Mr. Ludicke stated that if the Commission is looking to reconsider the issue of the access, he advises that the Commission grant an extension to February 19, 2008, and hear it again to consider whether or not the findings as stated by the attorney would justify the application of the added condition. The Commission would also have more information on what lies to the east, and various options for ingress and egress. During the interim period, there is the risk that the applicant could record the map or file the final map. It was clarified that the motion would be for an extension, not a continuance, under the current conditions as applied. Carlyle Workman pointed out that since February 19, 2008, is forthcoming, in order to get a street pattern developed for the remaining 40 acres and be able to analyze and prepare a report, staff would not have enough time to return with the required information by then. Brian Ludicke suggested extending it to the March 17, 2008, meeting and clarified that the project has to be renoticed.

Chairman Mann closed the public hearing at 7:34 p.m.

It was moved by Commissioner MacPherson and seconded by Vice Chairman Troth to grant an extension to March 17, 2008, Planning Commission meeting based on the original conditions as it was approved. Motion carried with the following vote:

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

NOES: None.
ABSTAIN: None.
ABSENT: None.

d. TENTATIVE TRACT MAP NO. 61989

Chairman Mann opened the public hearing at 7:47 p.m. to hear a request by Lancaster Downs 115, LLC for a subdivision of 56 single family lots in the R-10,000 Zone on 20.25± gross acres located on the southwest corner of Avenue L and future 67th Street West.

The Commissioners decided to waive the reading of the staff report since there was a letter from the applicant concurring to the conditions of approval and there was no one who wanted to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:48 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to grant a one-year extension to December 19, 2008, based on the findings listed below and subject to the Revised Attachment to Resolution No. 05-87. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson and Salazar, Vice Chairman Troth and Chairman Mann
NOES: None.
ABSTAIN: None.
ABSENT: None.

e. TENTATIVE TRACT MAP NO. 62207

Chairman Mann opened the public hearing at 7:48 p.m. to hear a request by Cambridge Homes for a subdivision of 29 single family lots in the R-7,000 Zone on 7.5± gross acres located on the northeast corner of Avenue J-6 and 25th Street East.

An uncontested hearing letter was received from the applicant concurring to the conditions of approval and there was no one in the audience who wanted to speak in opposition to the request so the reading of the staff report was waived.

Chairman Mann closed the public hearing at 7:48 p.m.

It was moved by Vice Chairman Troth and seconded by Commissioner MacPherson to grant a one-year extension to December 19, 2008, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 05-88. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

f. TENTATIVE TRACT MAP NO. 62247

Chairman Mann opened the public hearing at 7:50 p.m. to hear a request by Dennis Pursley for a subdivision of 4 single family lots in the RR-1 Zone on 5± gross acres located on the southeast corner of future Avenue L-10 and future 28th Street West.

An uncontested hearing letter was received from the applicant concurring to the conditions of approval and there was no one in the audience who wanted to speak in opposition to the request so the reading of the staff report was waived.

Chairman Mann closed the public hearing at 7:50 p.m.

It was moved by Commissioner MacPherson and seconded by Commissioner Salazar to grant an extension to December 19, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-90. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

g. TENTATIVE TRACT MAP NO. 62578

Chairman Mann opened the public hearing at 7:51 p.m. to hear a request by American Premiere Homes for a subdivision of 83 single family lots in the R-7,000 Zone on 20.1± gross acres located on the west side of 40th Street West at Avenue J-12.

The Commission decided to waive the reading of the staff report since an uncontested hearing letter was received from the applicant and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:52 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to grant a one-year extension to November 21, 2008, based on the findings contained listed and subject to the Revised Attachment to Resolution No. 05-78. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

h. TENTATIVE TRACT MAP NO. 62841

Chairman Mann opened the public hearing at 7:52 p.m. to hear a request by Wells Eason Development for a subdivision of 61 single family lots in the R-7,000 Zone on 14.04± gross acres located approximately 680 feet north of Avenue J on the west side of 40th Street West.

The Commissioners decided to waive the reading of the staff report since there was a letter from the applicant concurring to the conditions of approval and there was no one who wanted to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:52 p.m.

It was moved by Vice Chairman Troth and seconded by Commissioner MacPherson to grant a one-year extension to December 19, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-93. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

i. TENTATIVE TRACT MAP NO. 63241

Chairman Mann opened the public hearing at 7:26 p.m. to hear a request by Jay Solomon for a subdivision of 8 single family lots in the RR-1 Zone on 10± gross acres located on the northeast corner of 25th Street West and Avenue M.

The Commissioners decided to waive the reading of the staff report since there was a letter from the applicant concurring to the conditions of approval and there was no one who wanted to speak in opposition to the request.

Chairman Mann closed the public hearing at 7:53 p.m.

It was moved by Commissioner Salazar and seconded by Commissioner Faux to grant a one-year extension to December 19, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-94. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

5. CONDITIONAL USE PERMIT NO. 06-02 & TENTATIVE PARCEL MAP NO. 69776

Chairman Mann opened the public hearing at 7:54 p.m. to hear a request by Marinita Development Company to construct a 35,700 square-foot commercial center, including a 2,070 square-foot restaurant with on-site sale of alcoholic beverages, and the division of property into four parcels in the CPD Zone on 4.7± gross acres located on the southwest corner of 30th Street West and Avenue K.

Vice Chairman Troth recused himself from hearing this item, citing the proximity of his residence to the location.

The applicant submitted a request to continue this item to the March 17, 2008, Planning Commission meeting.

Chairman Mann closed the public hearing at 7:55 p.m.

It was moved by Commissioner MacPherson and seconded by Commissioner Faux to continue Conditional Use Permit No. 06-02 and Tentative Parcel Map No. 69776 to the March 17, 2008, Planning Commission meeting. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: Vice Chairman Troth.

ABSENT: None.

6. TENTATIVE TRACT MAP NO. 63288

Chairman Mann opened the public hearing at 7:56 p.m. to hear a request by Cal Pac Development, LLC for a subdivision of 60 single family lots in the R-7,000 Zone on 14.36± gross acres located on the southwest corner of 20th Street East and future Avenue H-12.

Brigitte Ligons presented the staff report. Commissioner MacPherson pointed out that the map presented on the screen was different from the map they have in their binders. There was a letter from the applicant agreeing to the conditions of approval and there was nobody in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 8:01 p.m. Commissioner MacPherson commented that the project is an in-fill lot and the street layout works nicely with improving the neighborhood environment.

It was moved by Commissioner MacPherson and seconded by Chairman Mann to adopt Resolution No. 08-02 approving Tentative Tract Map No. 63288. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson and Salazar, Vice Chairman Troth and Chairman Mann
NOES: None.
ABSTAIN: None.
ABSENT: None.

DIRECTOR'S ANNOUNCEMENTS

- The Water Workshop is scheduled on Tuesday, January 29, 2008, 5:00 p.m., at the Council Chambers. Chairman Mann and Vice Chairman Troth will be sitting at the dais with the Council Members. The other Commissioners are also invited to attend. Chairman Mann inquired as to how it would be handled should his co-Commissioners wish to comment. The Director responded that there would be time allotted for the comments to be made.
- The next Regular Planning Commission will be held on Tuesday, February 19, 2008.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

- David Paul, resident of Lancaster, California, congratulated the Commissioners for the water workshop. He said he wanted to be educated on the water issue and inquired if the questionable water supply would impact residential projects.

ADJOURNMENT

Chairman Mann declared the meeting adjourned at 8:13 p.m. to Monday, February 11, 2008, at 5:30 p.m., in the Planning Conference Room, Lancaster City Hall.

ATTEST:

KENNETH G. MANN, Chairman
Lancaster Planning Commission

BRIAN S. LUDICKE, Planning Director
City of Lancaster