

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

July 21, 2008

CALL TO ORDER

Brian Ludicke called the meeting to order at 7:00 p.m.

INVOCATION

Toby England from Lancaster Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

Present: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Smith and Vose

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Assistant Planners (Dan Miller and Elma Watson), City Engineer (Carlyle Workman), Recording Secretary (Joy Reyes), and an audience of approximately 28 people.

ORGANIZATION OF THE PLANNING COMMISSION

Election of Chairman

It was moved by Commissioner Smith and seconded by Commissioner Malhi to nominate James Vose for Chairman of the Planning Commission. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose

NOES: None.

ABSTAIN: None.

ABSENT: None.

Election of Vice Chair

It was moved by Commissioner Haycock and seconded by Commissioner Burkey to nominate Sandy Smith for Vice Chair of the Planning Commission. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

Minutes from the Regular Meeting of June 16, 2008.

It was moved by Commissioner Haycock and seconded by Commissioner Smith to approve the Minutes of the regular meeting of June 16, 2008, with an amendment to Agenda Item No. 6 (Conditional Use Permit No. 07-05) reflecting Commissioner Jacobs' recusal, instead of abstention. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

CONTINUED PUBLIC HEARINGS

2. ONE YEAR EXTENSION - CONDITIONAL USE PERMIT NO. 04-05, TENTATIVE TRACT MAP NO. 60348

Chairman Vose opened the public hearing at 7:11 p.m. to hear a request by Pacific Communities Builders for a residential planned development be allowed for a subdivision of 165 single family lots with a neighborhood park and recreation center, on 82.12± gross acres located on the northeast corner of future 40th Street West and Avenue N, in the SRR zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

Brian Ludicke explained that the State Legislature passed an urgency bill (SB 1185) granting an automatic 12-month extension to all active tentative tract maps in California. This action would, in essence, grant an additional extension beyond what would be granted to them. Chairman Vose inquired if the tentative tract map extension applications in the pipeline will not

be processed. Applicants who turned in extension applications will be given a refund. If there were conditions set in place, they will not take effect until after a year from now. Commissioner Haycock asked what would happen if the Commission denied the extensions. Brian Ludicke responded that even if they were denied, the maps would still have those 12 months automatically granted to them. The State's action is not unprecedented as this was done in the past and it is something that the Building Industry Association supports at a time of economic downturn. Commissioner Haycock wanted to know if the map extensions that were approved last month by the Commission would also get the automatic extension, to which Brian Ludicke answered that they will also be effective through 2010, and all conditions put in place will apply. Brian Ludicke responded to Commissioner Burkey's question that maps will be given a one-year extension beyond the normal 5-year time.

Chairman Vose closed the public hearing at 7:16 p.m.

It was moved by Commissioner Haycock and seconded by Vice Chair Smith to grant a one-year extension to May 22, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 20, 21, 22, and all other previously approved conditions. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.
ABSENT: None.

3. ONE YEAR EXTENSION – VESTING TENTATIVE TRACT MAP NO. 60057

Chairman Vose opened the public hearing at 7:17 p.m. to hear a request by Pacific Communities Builders, Inc. for a subdivision of 302 single family lots on 120.0± gross acres located on the southeast corner of Avenue L-8 and 80th Street West, in the R-10,000 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

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

It was moved by Commissioner Burkey and seconded by Commissioner Malhi to grant a one-year extension to June 21, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 26, 27 and all other approved conditions. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

4. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 60573

Chairman Vose opened the public hearing at 7:18 p.m. to hear a request by Regency Hills Homes VI, LLC for a subdivision of 81 single family lots on 20.0± gross acres located on the south side of Avenue I, approximately 320 feet west of 30th Street West, in the R-7,000 zone.

Brian Ludicke opined that even though the staff report recommended continuance to the August 18, 2008, meeting, the Commission need not act on this item because by virtue of the legislation, they are given an automatic 12-month extension. Chairman Vose noted though that the public hearing has already been opened. Brian Ludicke suggested denying the request and revisiting the item in a year.

Chairman Vose closed the public hearing at 7:20 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to deny Tentative Tract Map No. 60573. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

5. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 61303

Chairman Vose opened the public hearing at 7:21 p.m. to hear a request by United Engineering Group, LLC for a subdivision of 76 single family lots on 20.19± gross acres located on the northwest corner of Avenue J and 30th Street East, in the R-7,000 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

Chairman Vose closed the public hearing at 7:22 p.m.

It was moved by Commissioner Jacobs and seconded by Commissioner Malhi to grant a one-year extension to June 19, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 12 - 14 and all other previously approved conditions. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

6. ONE YEAR EXTENSION - TENTATIVE PARCEL MAP NO. 62803

Chairman Vose opened the public hearing at 7:23 p.m. to hear a request by Abraham Martinez for a subdivision of 2 single family lots on 2.11± gross acres located on the northwest corner of Avenue L-4 and 21st Street West, in the RR-1 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. There was a person in the audience who wished to speak, as follows:

Robert Brickman, resident of Lancaster, CA, stated that based on the public hearing notice he received, it talked about limiting issues in the future if he does not attend the meeting. On the southern portion of the property is a vacant lot and his residence is directly below the vacant lot. He went to Planning and Engineering counters to ask for a map of the property and he was only shown a 3-page staff report. He wanted to request rights to continue future protests if need be. He wanted to know how he would be affected by the development, if in a negative way.

Brian Ludicke interpreted the gentleman's request to mean that he wanted to know what improvement requirements would be imposed such as street lighting, curbs, gutter, and paving. Carlyle Workman explained that the applicant would be required to build typical street improvements (rolled curb, gutter and paving). As for lighting, none will be installed as it was not required due to the type of development. Drainage will continue in a northerly direction. Improvement plans have not been prepared at this time, but they will be prepared as part of the final parcel map.

Chairman Vose advised Mr. Brickman that a citizen has the right to look at any plans or maps. A citizen also has a legal right to pursue whatever avenue he deems necessary. The Commission is approving land use and conditioning land use for specific conditions. It will go through a plan check process, and anyone has a right to take a look at the plans. Mr. Brickman wanted to know the distinction between "looking at documents" and "right to protest."

Brian Ludicke explained that the applicant could not legally subdivide the property without recordation of a final map, which has to be approved by the City Council. That process would include the approval of improvement plans. An appeal or a challenge can be filed with the City Council, and it would appear on record that the administrative process has been used.

Chairman Vose closed the public hearing at 7:38 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Ervin to grant a one-year extension to March 20, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 5, 6 and 7 and all other previously approved conditions. Motion carried with the following vote:

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| AYES: | Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | None. |

7. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 64249

Chairman Vose opened the public hearing at 7:39 p.m. to hear a request by Andrew Eliopulos for a subdivision of 9 single family lots on 5.0± gross acres located on the southwest corner of Avenue M-4 and 32nd Street West, in the SRR zone.

Elma Watson presented the staff report. There was a speaker in the audience who wished to comment as follows:

John Swanson, resident of Lancaster, CA, wanted to know how to get into the cul-de-sac, if access would mean coming down on Avenue M-4 then turning on unnamed street. Elma Watson clarified that Street "A" is not labeled yet. The street improvements will be on 32nd Street West and Avenue M-4.

Chairman Vose closed the public hearing at 7:43 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Smith to grant a one-year extension to June 19, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 71, 72, 73 and all previously approved conditions. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

NEW PUBLIC HEARINGS**8a. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 61490**

Chairman Vose opened the public hearing at 7:45 p.m. to hear a request by Hearthside Homes, Inc. (the "applicant") to construct a subdivision of 73 single family lots on 20± gross acres located at the northeast corner of Avenue J-8 and 55th Street West, in the R-7,000 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

Chairman Vose closed the public hearing at 7:45 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Malhi to grant a one-year extension to July 18, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 9, 10, 11 and all previously approved conditions. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

8b. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 61574

Chairman Vose noted that for Tentative Tract Map No. 61574, which is a request by United Engineering Group (the “applicant”) for a subdivision of 45 single family lots on 14.3± acres located on the northwest corner of Avenue K-4 and 30th Street East, in the R-10,000 zone, and staff’s recommendation is to continue the item to the August 18, 2008, Planning Commission meeting. He inquired if it was appropriate to open the public hearing. Brian Ludicke stated that it was not necessary to open the public hearing and that the Commission need not take any action on the item.

Procedurally, it would be prudent to table the item indefinitely, based on the Deputy City Attorney’s recommendation.

It was moved by Commissioner Burkey and seconded by Commissioner Ervin to table Tentative Tract Map No. 61574. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

8c. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 61600

Chairman Vose opened the public hearing at 7:49 p.m. to hear a request by Siew Huat Ng (the “applicant”) for a subdivision of 33 single family lots on 7.5± gross acres located approximately 640 feet east of 60th Street West on the south side of future Avenue K-12, in the R-7,000 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

Chairman Vose closed the public hearing at 7:49 p.m.

It was moved by Commissioner Haycock and seconded by Commissioner Ervin to grant a one-year extension to June 20, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 9, 10, 11 and all other previously approved conditions. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
 NOES: None.

ABSTAIN: None.
ABSENT: None.

8d. ONE-YEAR EXTENSION – TENTATIVE TRACT MAP NO. 61920

Chairman Vose opened the public hearing at 7:50 p.m. to hear a request submitted by Siew Huat Ng (“the applicant”) for 108 single family lots on 40± gross acres located on the northeast corner of future 55th Street West and Avenue K in the R-15,000 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

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

It was moved by Commissioner Smith to grant a one-year extension to July 18, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 14-16 and all other previously approved conditions. Motion was seconded by Commissioner Burkey. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

8e. ONE YEAR EXTENSION - TENTATIVE TRACT MAP NO. 63201

Chairman Vose opened the public hearing at 7:51 p.m. to hear a request submitted by Hill View Homes for a subdivision of 19 single family lots on 4.7± gross acres located approximately 660 feet west of 20th Street West, north of Avenue J-8, in the R-7,000 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

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

It was moved by Commissioner Burkey and seconded by Commissioner Haycock to grant a one-year extension to July 17, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 5, 6, 7 and all other approved conditions. Motion carried with the following vote:

AYES: Commissioners, Vice Chairman, Chairman.
NOES: None.
ABSTAIN: None.
ABSENT: None.

9. GENERAL PLAN AMENDMENT NO. 04-05, ZONE CHANGE NO. 04-06, TENTATIVE TRACT MAP NO. 62757

Chairman Vose opened the public hearing at 7:54 p.m. to hear a request by Pacific Land Company for the certification of the Environmental Impact Report, to rezone the property from RR 2.5 (Rural Residential, minimum lot size 2.5 acres) to R-7,000 (Single Family Residential, minimum lot size 7,000 square feet), a subdivision to create 650 single family lots in the proposed R-7,000 zone; to amend General Plan land use designation for the subject property from NU (Non Urban Residential; 0.4 to 2.0 dwelling units per acre) to UR (Urban Residential; 2.1 to 6.5 dwelling units per acre) located on 160± gross acres on the southeast corner of Avenue J and 70th Street West and Avenue J.

Chairman Vose closed the public hearing at 7:54 p.m.

It was moved by Commissioner Jacobs and seconded by Commissioner Haycock to continue General Plan Amendment No. 04-05, Zone Change No. 04-06 and Tentative Tract Map No. 62757, and Environmental Impact Report No. 06-06 to the September 15, 2008, Planning Commission meeting. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

10. CONDITIONAL USE PERMIT NO. 07-11

Chairman Vose opened the public hearing at 7:55 p.m. to hear a request submitted by AV California, LLC to construct a 43,494 square-foot commercial center, including a 15,789 square-foot drug store with drive-thru service and the incidental off-sale of alcoholic beverages, on 4.21± gross acres located on the northeast corner of Avenue K and 20th Street West in the C and CPD zone.

The staff report was presented by Brian Ludicke. Commissioner Ervin asked if the median was adequate so that it will not hinder traffic flow on the west side. Carlyle Workman explained that there are alternate ways to approach, and that he does not think that prohibiting the left-turn would prove to be a hindrance. A left-turn can be made from the south, and it would also be a safer turn at the signal light. Commissioner Burkey commented that residences are close to the north so he wanted to know what effect will the sound and light have on the neighbors. He also queried about the size of the wall between the north residence and the shopping center. Brian Ludicke responded that the wall will be 5 to 6 feet in height, and it will contain planter strip adjacent to the wall on the south side. The applicant will be required to plant pine/evergreen trees at the center. Lighting will be installed usually at the back wall of the building, which will light the walkway behind the buildings. Commissioner Jacobs asked for clarification regarding the condition that will allow project to return to Planning Commission for review. Brian Ludicke explained that there will be an opportunity for the Planning Commission to take a look at any significant impacts, not foreseen before, brought about by the sale of alcohol. There will also be an opportunity to impose additional conditions to mitigate problems, not just related to alcohol. Commissioner Ervin commented that obviously, landscaping will be

in line with whatever the City Council decides. Commissioner Jacobs inquired if Park Lane ownership made any comments regarding traffic and the driveway. Carlyle Workman stated that no comments were received.

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

Maren Van Orman, representing the applicant, expressed their excitement over the project and commented that they have made every effort to comply with City standards and zoning. She requested the Commission to consider the project favorably. Vice Chair Smith noted that the wall is fairly short and there are apartments directly behind. The applicant responded they would be willing to extend the wall up if requested. Final grading plans will be done at time of improvements. Wall will be surveyed and built to a 6-foot minimum per City standard. Chairman Vose said that if an engineered wall needs to be put up and requires owner's cooperation, it will be incumbent to comply. The applicant stated their willingness to comply. The walls will be checked and done according to engineering standards. Carlyle Workman explained that tubular steel fencing is added if height is deemed inadequate. He does not have any objection to installing tubular steel on top of a 6-foot wall, if necessary. Chairman Vose replied that he would not want a contentious situation, whereby the City would be forced to direct traffic and negotiate between applicant and property owners. The wall in question is about 5 feet high with a 3-foot high steel, which is probably for security reasons. He wanted to know if that was a standard the City is agreeable to. Brian Ludicke answered that it has been allowed within a residential zone. The difficulty would be a situation where an applicant were willing to install a wall, but owner of existing wall would not want it removed. There should be a good faith effort to replace existing wall to buffer noise. If it is important to create a buffer/separation, building a second wall will certainly be considered. Chairman Vose wanted to add or adjust language to include that condition. Under the ordinance, Chairman Vose inquired whether the Commission has the authority to make that determination, to which Brian Ludicke responded in the affirmative. Applicant ascertained that they were willing to comply with that condition.

Vice Chair Smith noted that the location of dumpster is close to the north, and wanted to know if there was an option to move it to another location. Applicant's representative stated that there are conditions on trash enclosures. Brian Ludicke clarified that no trash enclosure is allowed to openly front to a street. Chairman Vose said that if the trash enclosure is in front or west of Building 2, it might be problematic for the trash truck's movements. Applicant's representative commented that all driveways have been examined and deemed adequate per Fire Department. Carlyle Workman stated that the turning radius has been checked for Fire Department access. Chairman Vose inquired if thicker paving section on the concrete for trash truck movement was required, to which Carlyle Workman answered in the negative.

Chairman Vose noted that southbound on 20th Street West, turning left into the center, the added raised concrete median would eliminate ability for ingress/egress to the commercial center to the west. He wanted to know how many cars can be stacked. Carlyle Workman responded that based on the length of the turn pocket, it would be about 7 vehicles, varying from 10 to 12 feet. There is no minimum requirement for stacking; we are providing 136 feet which would allow for seven vehicles. The turn lane will be 10-foot wide after the taper. Chairman Vose stated that the applicant is being required to extend concrete median north from his property line some distance of 100 feet or more to continue left-turn opportunity onto the next street and businesses west of 20th. Why then is the applicant not required to extend raised median on Avenue K. Carlyle Workman explained that the City typically require that median be extended

for two reasons: to extend it far enough to prevent turning movement into a driveway near the property; and to provide protection for the turning vehicle. Engineering did not consider it necessary to extend for another 200+ feet. Chairman Vose inquired if parking requirements adjustment gave any consideration to outside restaurant seating for Buildings 2 and 3. Applicant's representative answered that they reviewed requirements with Planning, saw the need to comply with internal circulation and line of sight issue and met the standard requirements. Brian Ludicke elaborated that he did not think the outside dining area was calculated. Chairman Vose was concerned about people backing out, and there is only one direction to go. Applicant's representative explained that they did not feel cars will be backing into each other since minimum drive aisle width has been met and parking has been scrutinized in detail. Chairman Vose asked about the projected location for proposed underground retention detention. Carlyle Workman answered that the reason for the requirement is to try to recharge any groundwater possible.

Chairman Vose stated that sale of higher alcoholic content beverages, such as fortified wine at 18%, is not appropriate to sell in a neighborhood drugstore. Commissioner Ervin agreed with the comment of Chairman Vose and stated that there are enough liquor stores in the area. Applicant's representative clarified that Long's Drugstore is in good standing with State ABC. They are aware of the conditions presented to them and are happy to comply. Commissioner Burkey asked Brian Ludicke how this condition will be addressed. Brian Ludicke explained that the biggest concern is not to inadvertently restrict a legitimate product. Sizes of containers e.g. malt liquor and beer may be limited. Sale of fortified wine may also be restricted. Commissioner Jacobs inquired if Condition No. 15 (annual review provision) would allow the Commission to revisit the CUP. Brian Ludicke clarified that the CUP will only permit sale of alcohol from this particular tenant (drugstore). If another future tenant decides to sell alcohol, they would be required a separate CUP. The City Alcohol Ordinance does place a responsibility on the part of the operator to monitor the site.

Commissioner Jacobs raised a concern over trash enclosure and noise mitigation measures to account for residents. Applicant's representative explained that the site plan has gone through 22 iterations. The trash enclosure has been moved from one site to another. She suggested putting up an enhanced wall enclosure space, but was not sure if there should be any further redesign. As for the question regarding restricting hours of trash pick-up, Brian Ludicke stated he did not think any conditions on waste management hours will work very well. His suggestion is to take the 3 parking spaces to the south and flip them with the enclosure, which would move it an additional distance of 30 feet away of the north property wall. Commissioner Burkey inquired if the landlords have gotten involved or provided comments. Brian Ludicke stated that no comments were received from them. Commissioner Burkey saw the need to set some standards address the alcohol issue. Brian Ludicke explained that we are trying to regulate situations that can be a problem, and that it is an evolving process.

Ray Chavira, representing Antelope Valley Alcohol Tobacco & Drug Policy Coalition, congratulated Chairman Vose and thanked efforts of others to reduce alcohol related problems in the community. He commented that Type 21 license, which Longs Drugstore operates with, is a liquor license. He is happy with the Commission for the great concern and scrutiny given on this project. He clarified that there is no agency called Alcohol Licensing Board, as stated on page 5 of the staff report. There is only the State ABC. He requested that the Commission consider making the store opening hour from 7:00 a.m. to 8:00 a.m. He suggested having the conditions of the CUP posted at a conspicuous place at the business location.

Ken Jones, resident of Lancaster, CA, commended Ray Chavira for his passion and resolve about the subject. He complimented the Commission for scrutinizing the project well. He wanted to reiterate what Ray Chavira said – for the Commission to consider shorter sale hours, and have the employees go through responsible beverage service training program. In the future, he requested that the Commission might also want to consider security issues.

Commissioner Burkey asked Brian Ludicke to explain responsible beverage service training. It is a training every seller is required to have employees undergo after employment. As for the posting of CUP conditions, it can be added as a condition. Commissioner Burkey asked what Wal-Mart's operating hours were. Brian Ludicke stated that the City, up until adoption of alcohol ordinance, did not control sale of alcohol for grocery stores. They would be under the purview of the State ABC. Commissioner Ervin noted that the Commission would have to consider a good balance, providing convenience to residents and at the same time limiting alcohol sale.

It was moved by Vice Chair Smith and seconded by Commissioner Burkey to adopt Resolution No. 08-17 with amended Condition Nos. 11 and 19, and added Condition Nos. 34-36. Condition No. 11 was amended to change the hours of operation from 7 a.m.–10 p.m. to 8 a.m.-10 p.m.; Condition No. 19 has added verbiage: "It is the intent of the condition that the existing walls on these property lines be replaced with this masonry wall to prevent the creation of "double walls". The applicant shall make a good faith effort to work with the owners of the adjacent walls to achieve this intent. If the applicant is unable to reach agreement with these adjacent owners, the Planning Director is authorized to approve the construction of a separate wall meeting this condition in the most aesthetic manner possible." Added Condition No. 34: "Applicant to provide 24-hour, 7-days-a-week contact name regarding blowing dust or debris from the site." Added Condition No. 35: "Relocate the proposed trash enclosure to the northeast corner southward." Added Condition No. 36: "Cart storage and restriction to prevent carts from leaving site."

Commissioner Jacobs commented that staff proposed store hours to be from 7:00 a.m. to 10:00 p.m., and he did not have any problem with it. There are already a lot of conditions on this project, and Condition 11 can be reviewed within a year. He would like to go back to the original hours of operation as recommended by staff. Commissioner Ervin said that the message being sent is if you want to sell alcohol, be responsible.

Chairman Vose reopened the public hearing at 9:35 p.m. to allow the applicant to speak. Applicant's representative Maren Van Orman stated that limiting the hours would jeopardize their deal with the drugstore, and they are anxiously trying to bring business into the community. It is a respectable tenant that has good standing with ABC. The applicant respects the direction the City is going with the new alcohol ordinance, nevertheless, at the present time, they request to keep the original suggested operating hours of 7:00 a.m. to 10:00 p.m.

Sheldon Carter, resident of Lancaster, CA, commented that in the interest of fair business practice where the other liquor purveyors are allowed to operate at certain hours, it does not seem to be in the best interest of the drugstore to have different operating hours.

Ray Chavira, representing Antelope Valley Alcohol Tobacco & Drug Policy Coalition, stated that he had no problem with the comments the applicant's representative made. It is a case

by case basis. It is not a matter of leveling the playing field; there is more to it than a simplistic approach.

Chairman Vose reclosed the public hearing at 9:46 p.m.

It was moved by Commissioner Jacobs and seconded by Commissioner Haycock to amend original motion modifying Condition No. 11 to change the hours of operation to 8:00 a.m. to 10:00 p.m. back to 7:00 a.m. to 10:00 p.m. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Amended main original motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

11. CONDITIONAL USE PERMIT NO. 08-07

Chairman Vose opened the public hearing at 9:48 p.m. to hear a request submitted by Journey Church for a Conditional Use Permit to locate a church in an existing industrial building 42142 7th Street West in the LI zone.

Brian Ludicke presented the staff report.

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

Jim Fielden, representing the applicant and speaking as a long-time member of Journey Church, stated that he appreciated staff's efforts and assistance going through the CUP process. They have reviewed the conditions and are eager to move.

David Elmore, Journey Church pastor, said that after five years of searching, the church family is anticipating great things to come, and has found a suitable place. He requests for the project to be considered favorably and appreciates any assistance.

Eugene Perello, who owns several properties adjacent to the project, commented that the site is developed as a Light Industrial area. His concern is over potential flooding impact as it relates to tenant users and surrounding property owners. The properties are not designed for 180 people. If a church and Sunday school is to be located in that area, delivery drivers would be hesitant to use the driveway with that many people in the way. An industrial area is not a place for a church. If in the future he has to lease his property to a business, he feels he would have to ask permission from the church. The church is not in conforming use for the area.

Chairman Vose closed the public hearing at 10:03 p.m. Carlyle Workman stated that in 2005, FEMA issued a declaration that the area is no longer a flood hazard area. As part of building plan check, applicant/developer will be required to comply with ADA requirements. There is a common driveway and there should be reciprocal access agreement to be able to use that. The developer will be required to provide a layout for assembly area, and that is what parking requirements will be based on.

It was moved by Commissioner Jacobs and seconded by Commissioner Malhi to adopt Resolution No. 08-18 approving Conditional Use Permit No. 08-07, with added Condition No. 3: "Permit shall be reviewed on an annual basis." Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

12. CONDITIONAL USE PERMIT NO. 08-10

Chairman Vose opened the public hearing at 10:12 p.m. to hear a request submitted by Rami Darghalli to continue Conditional Use Permit No. 08-10 indefinitely. The request was to locate a convenience market within an existing commercial building on 45232 10th Street West, Suite 101, in the C zone.

Brian Ludicke explained that when the applicant decides to bring back the item before Planning Commission in the future, it will have to be renoticed.

Two speakers, Ken Jones and Ray Chavira, withdrew their requests to speak.

Arthur Ray, resident of Lancaster, questioned as to what kind of market is needed in that area, considering the old Vallarta has moved. Commissioner Burkey pointed out that the site is on the intersection of Avenue I and 10th Street West, north of the auto parts store. It is currently occupied by a smoke shop.

It was moved by Commissioner Burkey and seconded by Vice Chair Smith to continue Conditional Use Permit No. 08-10 indefinitely at the request of the applicant. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

13. TENTATIVE TRACT MAP NO. 62929

Chairman Vose opened the public hearing at 10:15 p.m. to hear a request submitted by First Pacific Housing Corporation for 38 single family lots on 10± gross acres located on the southwest corner of Avenue I and 40th Street East in the R-7,000 zone.

The applicant was not present and there were no speakers who wished to speak in opposition to the request.

Chairman Vose closed the public hearing at 10:15 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Smith to adopt Resolution No. 08-20 denying the approval of Tentative Tract Map No. 62929. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

14. TENTATIVE PARCEL MAP NO. 69446

Chairman Vose opened the public hearing at 10:16 p.m. to hear a request submitted by Isabelita Udasco for a subdivision of 4 single family lots on 1.25± gross acres located approximately 330 feet west of future 42nd Street West and north side of Avenue J in the R-7,000 zone.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report, and there were none in the audience who wished to speak in opposition to the request.

Chairman Vose closed the public hearing at 10:17 p.m.

It was moved by Commissioner Ervin and seconded by Commissioner Malhi to adopt Resolution No. 08-21 approving Tentative Parcel Map No. 69446. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

15. TENTATIVE PARCEL MAP NO. 69969

Chairman Vose opened the public hearing at 10:17 p.m. to hear a request submitted by Lancaster Holdings, LLC for a subdivision of 6 industrial lots on 7.78± gross acres located on the southeast corner of future Avenue H-4 and Division Street in the LI zone.

Dan Miller presented the staff report. Dan Stitt, representing the applicant, stated their concurrence to the conditions of approval. There was a speaker in the audience who wished to comment as follows:

Lorraine Finley, resident of Lancaster, CA, stated that her concern was answered when the staff report was read. She wanted to know if the project was going to happen soon or if it was scheduled in the future.

It was moved by Commissioner Burkey and seconded by Commissioner Ervin to adopt Resolution No. 08-22 approving Tentative Parcel Map No. 69969. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: None.

DIRECTOR'S ANNOUNCEMENTS

Provide availability of dates for potential workshops for the General Plan to the Recording Secretary.

COMMISSION AGENDA

Discuss and consider meeting days and times of Planning Commission meetings. Staff was directed to prepare a resolution amending the Planning Commission meeting time to commence at 6:00 p.m.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 10:43 p.m. to August 11, 2008, at 5:30 p.m., in Planning Large Conference Room, Lancaster City Hall.

ATTEST:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

BRIAN S. LUDICKE, Planning Director
City of Lancaster