

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

December 15, 2008

CALL TO ORDER

Chairman Vose called the meeting to order at 6:00 p.m.

INVOCATION

Commissioner Burkey did the invocation.

PLEDGE OF ALLEGIANCE

Cub Scout Pack 67 led the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

Present: Commissioners Burkey, Ervin and Haycock, Vice Chair Smith and Chairman Vose.

Absent: Commissioners Jacobs and Malhi.

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

CONSENT CALENDAR

1. APPROVAL OF MINUTES

Chairman Vose announced that approval of minutes will take place later in the meeting to give the commissioners time to review a copy that they just received today.

NEW PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 08-18

Chairman Vose opened the public hearing at 6:06 p.m. to hear a request by Jun Young Lee for a Conditional Use Permit for on-site sale and consumption of alcohol (Type 41, sale of

beer and wine for a bona fide restaurant) for Wasabi Sushi and Teppan Restaurant located at 43545 10th Street West in the CPD Zone. Vice Chair Smith recused herself, citing that her youngest daughter works in the same building as the location of the project.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Vose closed the public hearing at 6:07 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Haycock to adopt Resolution No. 08-36 approving Conditional Use Permit No. 08-18. Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin and Haycock, and Chairman Vose.

NOES: None.

RECUSED: Vice Chair Smith.

ABSENT: Commissioners Jacobs and Malhi.

3. TENTATIVE TRACT MAP NO. 63314 & 66285

Chairman Vose opened the public hearing at 6:08 p.m. to hear a request by Moresun Development for the following: TTM No. 63314 is a subdivision for 153 single family lots on 38.82± acres located on the northwest corner of 35th Street East and Avenue J-8; TTM No. 66285 is a subdivision for 169 single family lots on 40.47± acres located on the northeast corner of 30th Street East and Avenue J-8, both are in the R-7,000 zone.

Silvia Donovan presented the staff report.

David Larson of CCL Engineering, representing the applicant, spoke and stated that the applicant had issues that he would like to be addressed, namely: Condition No. 10 on enhanced decorative pathway, and Condition No. 54 regarding decorative overflow under drainage easements (both conditions are from the Standard Resolution 06-11 that was established in January 2006).

Silvia Donovan addressed the pathway issue. She explained that as shown on Section AA on the map, there is a decorative pathway on 15-foot access easement, and there will probably be 8 feet of pavement and some landscaping on both sides. It is limited and will be xeriscaped as well. Carlyle Workman addressed Condition No. 54 and stated that it has been modified and has gotten away on decorative overflow. Engineering tried to come up with a redundant system of pipes providing an outlet to prevent flooding. He said that Condition No. 54 will be revised.

Mr. Larson added that they also had issues regarding Condition Nos. 19 & 22, requiring testing of existing pavement section and having those streets potentially reconstructed. The old standard was 5 over 19 asphalt over base, and the city revised the standard to thicker sections. They were concerned that for newer developments and construction, they might have to rip out entire streets that have significantly been improved just to meet new standards.

Commissioner Haycock inquired from the representative if it would be appropriate for the commission to postpone making a decision until the issues have been resolved. Mr. Larson responded that he was willing to hear what staff has to say first.

Carlyle Workman responded that he was not sure what Mr. Larson was referring to on "new standards" as there have not been any new standards since 1990. The only pavement standard change is the thickness from 3-inch to 3.5-inch and it does not affect this situation. Mr. Larson asked then if a section of the street was done improperly (3-inch), will they be required to tear it down to improve to the required 3.5-inch. Carlyle Workman clarified that the requirement is that the applicant design adequate structural sections based on traffic index. If it is a recently paved street, the minimum requirement would be for the developer to grind an overlay to centerline.

Chairman Vose stated that at this point, it is rather late in the game to have this discussion when the applicant has had ample time and opportunities to review the conditions, since the maps were submitted a while back. Chairman Vose stated that if the representative did not have time to review the conditions, perhaps this should be continued it for 30-60 days. Brian Ludicke pointed out that the representative's intent seemed that he wanted to have an ironclad agreement tonight as to what has to be done on those streets. He further added that the options are either to continue so the testing can be conducted to determine the structure, or the applicant could accept the condition as written, and leave it for later discussion with staff following the receipt of the information while the final map is pursued. Chairman Vose inquired from staff what they would recommend. The director responded that the recommendation is to approve the project with conditions as stated in the staff report, especially since the two disputed conditions are standard conditions.

Chairman Vose closed the public hearing at 6:28 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Ervin to adopt Resolution No. 08-37 approving Tentative Tract Map Nos. 63314 and 66285, with modification to Condition No. 54 of Standard Resolution No. 06-11 to read as follows: "Per the direction of the Director of Public Works, streets shall be designed to avoid creating sump conditions. If a sump condition is unavoidable, a redundant catch basin system shall be installed (secondary overland overflow shall not be allowed)." Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Jacobs and Malhi.

**4. AMENDMENT TO TITLE 16 OF THE LANCASTER MUNICIPAL CODE
(SUBDIVISION ORDINANCE)**

Chairman Vose opened the public hearing at 6:30 p.m. to hear a request by the City of Lancaster to amend Title 16 of the Municipal Code (Subdivision Ordinance) modifying the requirements for improvements beyond centerline on arterial streets citywide.

The staff report was presented by Carlyle Workman. There were none in the audience who wished to speak in opposition to the request.

Chairman Vose closed the public hearing at 6:32 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to adopt Resolution No. 08-38 recommending to the City Council approval of an amendment to the Subdivision Ordinance modifying the required improvements beyond centerline on arterial streets. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Jacobs and Malhi.

This item will be scheduled for future City Council meeting.

**5. AMENDMENT TO TITLE 17 OF THE LANCASTER MUNICIPAL CODE
(CARGO CONTAINER REGULATIONS)**

Chairman Vose opened the public hearing at 6:34 p.m. to hear a request by the City of Lancaster to amend various sections of Title 17 of the Lancaster Municipal Code to establish regulations regarding the use and placement of cargo containers citywide. Brian Ludicke introduced Marta Brown of the Department of Housing and Neighborhood Revitalization to read the staff report.

Commissioner Ervin requested Marta Brown to expand on the definition of “temporary uses” and how it will be enforced. Marta Brown answered, as follows: as long as a building permit is active, a container may be on site for 30 days. A resident may move his or her belongings into a container in the event of a fire incident or in the event of relocation where belongings may be stored in the container and then moved offsite. Commissioner Ervin asked if Code Enforcement will be relied on to enforce it, to which Marta Brown concurred. Permits will be signed off on by Code Enforcement, and there is a record that a permit is issued for the site so that the city can monitor length of time a container is on site. Commissioner Haycock asked if there is a charge for the building permit. Marta Brown responded that for the temporary use of a container, it is an administrative fee as enacted by City Council. Commissioner Burkey asked if this regulation would affect people who currently have cargo containers, or would it be grandfathered for them to be allowed to keep the containers. Marta Brown stated that 6 months from date of approval/enactment of the amendment, the owners will be required to remove the cargo containers from their property.

There was a speaker in the audience who wished to comment as follows:

David Sinclair, resident of Lancaster, CA, asked if the regulation applies to all cargo containers on residential properties, and asked consideration from the commission for those 2.5-acre parcels where containers are not clearly visible, and for those business owners who have an influx of inventory during the holidays that may need additional storage. Brian Ludicke clarified that the ordinance will affect those properties in the rural areas; and seasonal storage in reference to commercial sites has actually been in existence in the last 15 years. This ordinance will not affect business owners' ability to use storage containers on a seasonal basis.

Chairman Vose closed the public hearing at 6:41 p.m.

Commissioner Haycock opined that she thinks it is a tremendous burden on people with larger pieces of property. This can apply to anyone living in under acreage properties, but may and should not apply to those with over one acre of properties. She thinks the regulation is a little bit harsh, and would like staff to consider this more carefully.

Chairman Vose made a motion to adopt Resolution No. 08-39 recommending to the City Council approval of an ordinance regulating the use and placement of cargo containers. Commissioner Burkey said that he was all for beautification of the city but he would not want to hamper folks with a need for these containers. Motion to adopt the resolution failed since the motion was not seconded.

Commissioner Haycock then made a motion to continue the item, to which Vice Chair Smith seconded. Brian Ludicke stated that the ordinance was drafted with two thoughts in minds: that it addressed the concern of the Council, and from City Attorney's standpoint, it made sure that there was a legal basis should there be future prosecution. The commission has three options tonight: to continue and provide specific direction to staff as to what needs to be revised; to recommend approval to City Council with modifications or comments; or to recommend ordinance as drafted. Mr. Ludicke stated that the ordinance will return before the Planning Commission in January 2009 if it is continued.

Brian Ludicke asked the commission to take into consideration that there has to be consistency of treatment within a zone. Commissioner Haycock proposed using the 2.5 acres as cut-off point. Commissioner Burkey opined that the main consideration is not the lot size but how far from the property line the container is located.

Chairman Vose said that the motion would be to continue the item to the January 2009 meeting, with issues expressed by the Commission, as follows: potential unfair burden on property owners, allowing the use of cargo containers on 2.5-acre lots in the rural residential zone, zoning issues, and location of cargo containers within the property line. Vice Chair Smith asked if the City attorney does not find it equitable to make any amendments, will the same staff report come back to the commission next month. Brian Ludicke answered that the staff report will indicate where changes in the ordinance are proposed.

Motion carried with the following vote:

AYES: Commissioners Burkey, Ervin and Haycock and Vice Chair Smith.

NOES: Chairman Vose.

ABSTAIN: None.

ABSENT: Commissioners Jacobs and Malhi.

RECESS

Chairman Vose recessed the regular meeting at 6:59 p.m., and reconvened at 7:09 p.m.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to approve the Minutes from the Regular Meeting of November 17, 2008; and Minutes from the Special Meeting of October 27, 2008. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Jacobs and Malhi.

DIRECTOR'S ANNOUNCEMENTS

Staff is anticipating the Draft EIRs (DEIR) for the proposed projects on 60th St West and Avenue L to be issued for public review on or about January 9, 2009. One of the typical actions during the 45-day review period is to provide the public the opportunity to make comments. From the Commission's standpoint, commissioners will be asked not to discuss, deliberate, debate, and/or make comments. Staff has asked the commission to consider two potential dates and a reasonable starting time.

Chairman Vose said that February 18, 2009, beginning at 5:00 p.m. would work best, and if there is an overflow of speakers, additional meeting can be provided on the following day, February 19.

COMMISSION AGENDA

Commissioner Burkey said that there was an issue brought up by a citizen who wanted to speak in opposition to Item No. 3, that the posted notice on site indicated that the meeting would

start at 7:00 p.m. According to Silvia Donovan and was concurred by the Deputy City Attorney, the paper and mailing notices were the required legal document (which provided the correct time), and the site sign posting is a courtesy notice given. From the Deputy City Attorney's perspective, noticing was adequate and the remedy would be for the approval to be appealed before the City Council within 10 days of the hearing. Brian Ludicke clarified that the sign posting was adopted in 1986 and the reason it is not considered as a legal notice is that a legal notice is required to be posted for a minimum of 14 days prior to hearing. The City exceeds the legal minimum requirements for public notice. Commissioner Burkey would like to ensure that staff will check future sign postings.

Commissioner Ervin would like to get a report on the status of the Hellenic Center. Brian Ludicke stated that there is a resident in the area who has agreed to work between the Hellenic Center and the neighbors, who came in today to discuss the progress of the issue. The positive thing is that there is some movement.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

Larry McPeek, representing Homeowner's Association of Rancho Tierra Del Sol, expressed his opposition to the Tentative Tract Map Nos. 63314 and 66285 project.

Chairman Vose pointed out to the speaker to please be aware that the Commission has already acted upon the item. Staff will be more than happy to assist the speaker on the procedures to be undertaken should he feel that he needs to appeal the decision.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 7:40 p.m. to Tuesday, January 6, 2009, at 6:00 p.m., in the Council Chambers for a Special Meeting of the Planning Commission to review and discuss proposed revisions to the City of Lancaster General Plan Policy Document as part of the City-wide General Plan Update Process.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster