

MINUTES - DRAFT

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

January 20, 2009

CALL TO ORDER

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

INVOCATION

Commissioner Burkey gave the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), Associate Planner – Environmental (Jocelyn Swain), Recording Secretary (Joy Reyes), and an audience of approximately 32 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Burkey and seconded by Commissioner Haycock to approve the Minutes from the Regular Meeting of December 15, 2008, with a modification to Item No. 2 (Conditional Use Permit No. 08-18) to reflect that Vice Chair Smith recused herself from the deliberation and left the dais. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

CONTINUED PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 07-05

Chairman Vose opened the public hearing at 6:06 p.m. to hear a request by Kaley Aboul-Hosn for the construction of a 988 square-foot coffee shop and a 3,327 square-foot carwash with a cashier and waiting area on .71± gross acres located on the northwest corner of Avenue J and 17th Street West in the CPD Zone. Commissioner Jacobs left the dais and recused himself from the deliberation.

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

Mr. Vazirani, a Lancaster resident, stated that he wanted to lodge a protest for not receiving a notice regarding the hearing on this project.

Chairman Vose closed the public hearing at 6:10 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to grant the applicant an additional 30-day extension to the February 17, 2009, Planning Commission meeting. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

RECUSE: Commissioner Jacobs.

ABSENT: None.

Brian Ludicke noted that the item will be continued to the February 17, 2009, meeting, and if the information needed by the Planning Commission is still lacking from the applicant by the February 2009 hearing, staff recommendation would be to have the project withdrawn from the agenda. The applicant would have to resubmit an application and be charged for the appropriate fees, and project would have to be renoticed as a new public hearing.

Chairman Vose noted that there was a courtesy notice posted on the subject property. Brian Ludicke clarified that since this is a continued item, no public notices were sent out; however, the speaker and neighboring residents that are on the original notice list were notified at the initial meeting.

3. AMENDMENT TO TITLE 17: LANCASTER MUNICIPAL CODE CARGO CONTAINER REGULATIONS

Chairman Vose opened the public hearing at 6:12 p.m. to hear a request by the City of Lancaster for an amendment of various Sections of Title 17 of the Lancaster Municipal Code to establish regulations regarding the use and placement of cargo containers citywide.

Brian Ludicke noted that staff, in discussion with the City Attorney's office, has approved changes to address concerns raised regarding rural areas and its effect on existing cargo containers. Proposed amendment stipulates that residents within the RR-1 or RR-2.5 zone may place containers permanently as long as it is located at least 100 feet from the property line and design criteria are complied with.

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

John Ippolito, a Lancaster resident, stated that the issue is not just about putting containers on people's lots but about people's possessions and treasures, such as recreational vehicles and sports equipment. On an RR-1 lot, there is not a 100 feet from the property line so he personally disagrees with property line limitation. He asked the commission to restrict the 100 feet limitation or reduce it to 50 feet.

Chairman Vose closed the public hearing at 6:17 p.m.

Commissioner Burkey opined that he believes putting a distance requirement is important, and that he came up with the same number (50 feet) as speaker Mr. Ippolito.

It was moved by Commissioner Burkey and seconded by Commissioner Malhi to adopt Resolution No. 09-04 recommending to the City Council approval of an ordinance regulating the use and placement of cargo containers, with an amendment to Section 2 (17.08.050)(A)(3)(b).(iv) on page 2 of the draft ordinance from 100 feet to 50 feet. The change of distance is from 100 feet to 50 feet rear or side of the property in the RR-1 and RR-2.5 zones. Motion carried with the following vote:

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

NOES: Chairman Vose.

ABSTAIN: None.

ABSENT: None.

Commissioner Jacobs asked if a homeowner would still need to get a permit under this ordinance. Brian Ludicke responded in the affirmative and explained that this would be to ensure compliance, and would serve as a form of protection to the owner by following the process. Commissioner Jacobs inquired if there were requirements to ensure that the containers are at least aesthetically acceptable. Brian Ludicke clarified that the ordinance states that containers must be located in the rear of the residence or main building, and beyond that, it has to stay 50 feet from the property line. Commissioner Haycock commented that when she originally

raised her concerns at the first meeting, she learned that this is a community that loves their storage containers. As long as the containers are acceptable looking and located in the backyards, the City should accommodate the needs of the residents.

NEW PUBLIC HEARINGS

4. CONDITIONAL USE PERMIT NO. 08-05

Chairman Vose opened the public hearing at 6:26 p.m. to hear a request by Quartz Hill Assembly of God of Lancaster for the construction of a church facility consisting of a 9,960 square-foot interim sanctuary and classroom facility (Phase I), a 7,365 square-foot sanctuary (Phase II), and a 5,000 square-foot office building (Phase III) on 4.62± gross acres located on the north side of Avenue L approximately 650 feet east of Challenger Way/10th Street East in the LI zone.

The staff report was presented by Silvia Donovan. There were speakers in the audience who wished to comment, as follows:

Joe Silva, representing the church and has been its pastor for 33 years, commented that the church has the need to grow, and the area they were in was not sufficient. He thinks the church will be a good addition to the area. They have youth ministries and bible studies that will be a benefit to the community.

David Larson, representing CCL Engineering handling this project, stated that he is available to answer questions, if any.

Al Carson, representing Carlson Architecture Company which is the architect of the project, said that he is available to answer technical and aesthetics related questions.

Kenneth Jones, a Lancaster resident, stated that he would like to reserve his time to thank the commissioners until such time the commission has passed this agenda item.

Gustavo Stephani, a Palmdale resident and representing his father, Alfredo Stephani, would like to know what their options are and any information on the church's plans. He stated that his father is the owner of the property where this project is located. Brian Ludicke asked the speaker if he or his father was the owner of the subject property or an adjacent parcel. The speaker said that to his knowledge, his father is the owner of the subject property. Brian Ludicke stated that the grant deed dated January 3, 2006, listed two names under Manzano and one Cabrera as the previous owners. Furthermore, property owners' mailing list does not indicate that the name Stephani is included on the list. It appears that the church is in fact the owner of the property. The Commission held this item open and moved to the end of the agenda under Continued Public Hearing to allow the Planning Director to look into the issue further.

The Commission held this item open and moved it to the end of the agenda under Continued Public Hearing to allow the Planning Director to look into the issue further.

5. CONDITIONAL USE PERMIT NO. 08-20

Chairman Vose opened the public hearing at 6:39 p.m. to hear a request by Yacoub Husein 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 Casablanca Restaurant located at 44960 Valley Central Way in the RC zone.

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 6:39 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Malhi to adopt Resolution No. 09-02 approving Conditional Use Permit No. 08-20. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

6. TENTATIVE TRACT MAP NO. 66624

Chairman Vose opened the public hearing at 6:40 p.m. to hear a request by Dung Chi Chu for a subdivision for 18 single family lots in on 5.24± gross acres located west of Challenger Way and south of future Avenue H-4 in the R-7,000 zone.

An uncontested hearing letter was received but was withdrawn. Silvia Donovan presented the staff report. She stated that the applicant had concerns with two conditions. The first is Condition No. 2, third and fourth bullet points to read as follows: "Denmore Avenue at a 60-foot-right-of-way; Street "D" at a 60-foot-right-of-way." The applicant was also to discuss with the Commission the second condition regarding the 78-foot ultimate right-of-way as the applicant believed it should be changed to 70 feet.

Engles Shen, representing the applicant, stated that they concur with the conditions except for Condition No. 2. His concern is regarding the 100-foot ultimate right-of-way on Challenger Way. His understanding of the dedication and improvement stipulation is different. Chairman Vose explained that the condition as written and adopted by the Planning Commission and City Council for street dedication is citywide, and asked whether the representative needed more time and if he wanted to continue the item. Mr. Shen responded that all he was asking for was a clarification on how many feet are allotted for improvement and for dedication. Chairman Vose clarified the condition by reading as it states in the staff report.

Chairman Vose closed the public hearing at 6:48 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Ervin to adopt Resolution No. 09-03 approving Tentative Tract Map No. 66624, with a modification to Condition No. 2, third and fourth bullet points to read, as follows: “Denmore Avenue at a 60-foot right-of-way; Street “D” at a 60-foot right-of-way.” Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

4. CONDITIONAL USE PERMIT NO. 08-05

Brian Ludicke explained that the Stephani’s property is actually located on the south side of the street, and not on the north side where the project is located.

Chairman Vose closed the public hearing at 6:50 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Ervin to adopt Resolution No. 09-01 approving Conditional Use Permit No. 08-05. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

NEW BUSINESS

7. DRAFT ENVIRONMENTAL IMPACT REPORT – 60TH STREET WEST AND AVENUE K PROJECT

Chairman Vose opened the public hearing at 6:52 p.m. for a request for public hearing by AV California LLC for Draft Environmental Impact Report (EIR) prepared for a commercial development approximately 22.34 acres located at the northwest corner of the intersection of 60th Street West and Avenue K.

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

Ismael Garcia, a Lancaster resident, stated that he did not get a copy of EIR. Brian Ludicke informed Mr. Garcia that written comments can still be submitted.

John Weathers, a Lancaster resident, expressed his concerns regarding sand, dust and debris blowing to the direction of his property.

Paul Jennings, a Lancaster resident, stated that the traffic count reflected in the traffic impact study conducted could be erroneous because schools were not in session at that time. Some of the children who attend Sundown Elementary School and Quartz Hill High School are not driven to school but instead they walk, which could pose a dangerous situation for the children. He thinks that the safety issue has not been mitigated properly. There is a lack of isolation to nearby residences from pollution and crime. He thinks that a 6-foot fence is not adequate to ward off residents from undesirables. The buffer zone is not adequate. He is also concerned about the impact of traffic on 60th Street West & Avenue L, as well as pollution and dust during construction.

Dr. Donald Guerrant, a Lancaster resident, stated that he found a flaw in the EIR on page 3.3-14, which uses 2%/year as a growth rate in traffic projection. For example, for 100 existing homes, there is a plan to have two homes built. This woefully underestimates the actual traffic flow. By 2012, the west side will be much more built up. His second concern is on page 3.3-6. Traffic counts were made at intersections in August 2006, March 2007, and May 2007, but it could be underestimated because schools were out during those months. He asked the commission to look into the accuracy of the count. On page 3.3-28, it states that even after all the mitigation of traffic issues, there will be a significant impact on Avenue K east of 60th Street West. He lives right off Avenue K so this will create major traffic congestion. It greatly underestimates the traffic flow, and would cause congestion if this project was to continue.

Amelia Jennings, a Lancaster resident, stated her concern regarding water shortage. She saw no need for more shopping centers as there are already existing shops in the City, some of which have closed or about to close, and are just waiting for crimes to happen. She asked the commission to reconsider the project and think about it carefully before making a decision.

Alicia Preciado, a Lancaster resident, stated her concern regarding trash around the neighborhood which could bring in rats. She opined that air quality will be affected. With the proposed gas stations and car wash, traffic will become bad. She drives a total of two hours to/from work so she does not mind driving to a shopping center that is about two minutes away.

Victor Nicholson, a Lancaster resident, commented on his concerns regarding trash, trash bins, delivery noise and traffic. The gas station would bring bad elements. He wants to enjoy the view, and wants buildings as far away from his house as possible.

Chairman Vose closed the public hearing at 7:09 p.m.

DIRECTOR'S ANNOUNCEMENTS

The next Special Planning Commission Meeting is scheduled on February 2, 2009.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 7:11 p.m. to Monday, February 2, 2009, at 6:00 p.m., in the Council Chambers for a Special Meeting of the Planning Commission.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster