

## MINUTES

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### REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION Monday, July 17, 2023

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#### **CALL TO ORDER**

Chairman Vose called the meeting to order at 5:05pm

#### **INVOCATION**

Commissioner Birden

#### **PLEDGE OF ALLEGIANCE**

Commissioner Tufts

#### **ROLL CALL**

Present: Chairman Vose, Vice Chairperson Harvey, Commissioners Birden, Derryberry, Moore, and Tufts

Absent: Commissioner Underwood

Also, in attendance were Director of Community Development, Larissa De La Cruz, Assistant Director of Community Development - Planning & Permitting, Patti Garibay, Senior Planners, Jocelyn Swain and Cynthia Campaña, Planner Kendall Brekke, Senior Engineers, Matt Simons and Stephen Carrillo, Administrative Assistants, Heather Breheny and Sandra Moreno, and David King from Best Best & Krieger LLP law firm.

There were 33 people in the audience.

#### **PUBLIC BUSINESS FROM THE FLOOR**

Any person who would like to address the Planning Commission on any agenda item is requested to complete a speaker card for the Recording Secretary, and identify the agenda item you would like to discuss. Each person will be given the opportunity to address the Planning Commission at the time such item is discussed by the Planning Commission. **Speaker cards are available at the rear of the Council Chambers. Individual**

**speakers are limited to three (3) minutes each.** *Individual comments are limited to three (3) minutes each unless a different time is announced.*

There were 9 speakers present.

## **MINUTES**

### **1. Approval of Minutes from the Special Meeting of June 12, 2023**

Vice Chairperson Harvey made a motion and Commissioner Derryberry seconded the motion for the approval of the minutes for the Special Meeting of June 12, 2023.

The motion carried with the following vote of (6-0-0-0-1):

AYES:	Vose, Harvey, Birden, Derryberry, Moore, and Tufts
NOES:	None.
ABSTAIN:	None.
RECUSED:	None.
ABSENT:	Underwood.

## **NEW PUBLIC HEARINGS**

### **2. Conditional Use Permit No. 23-003**

Planner, Kendall Brekke, presented the staff report. Staff recommended adopting Resolution No. 23-12, approving Conditional Use Permit (CUP) No. 23-003 to allow for the construction and operation of an 80-foot-tall monopine Wireless Communications Facility with associated equipment at Love & Grace Christian Fellowship Church, located in the RR-1 zone at 2052 West Avenue L (APN 3109-017-096).

Chairman Vose asked Kendall about a previous conditional use permit that had been approved at this location. Although Kendall had no knowledge of the project, she did confirm that this development would not interfere with any projects or other developments. Vose mentioned the project was likely approved more than 10 years ago and had expired.

There were no public speakers on this item.

Commissioner Moore made a motion and Commissioner Birden seconded the motion for the approval of a Conditional Use Permit to allow for construction and operation of an 80-foot-tall monopine Wireless Communications Facility with associated equipment at Love & Grace Christian Fellowship Church, located in the RR-1 zone at 2052 West Avenue L (APN 3109-017-096).

The motion carried with the following vote of (6-0-0-0-1):

AYES:	Vose, Harvey, Birden, Derryberry, Moore, and Tufts
NOES:	None.
ABSTAIN:	None.
RECUSED:	None.

ABSENT: Underwood.

**3. Conditional Use Permit No. 23-011, Variance No 23-002**

Senior Planner, Jocelyn Swain, presented the staff report. Staff recommended adopting Resolution No. 23-13, approving CUP No. 23-011 and Variance No. 23-002 to allow for the installation of 12, 25-foot-tall pylon signs along the western boundary of the Lancaster Auto Mall adjacent to the Antelope Valley Freeway with an increase in the permitted number of signs and reduction of spacing standards in the Commercial Planned Development (CPD) zone.

Commissioner Tufts inquired as to who was paying for this project, Jocelyn informed the Commission that it is a Capital Improvement Project between the City of Lancaster and the Auto Mall, therefore, a joint endeavor. He also asked about landscaping and if it would be like xeriscaping, as CALTRANS recommends, to save on water usage. Jocelyn confirmed that the project would be using native, drought-friendly, low-lying and desert tolerant plants. Commissioner Tufts also inquired about the signage, if the imagery would remain fixed and not distracting to drivers. It was confirmed that the signage would be a fixed image with dealership logos. Chairperson Harvey asked about the Lumens rating and who would have control of the light settings, Joceyln advised that the City would have control and would be using standards that CALTRANS provides in regard to lighting on freeways and highways.

There were no public speakers for this item.

Chairperson Harvey made a motion and Commissioner Tufts seconded the motion to adopt Resolution No. 23-13, approving CUP No. 23-011 and Variance No. 23-002 to allow for the installation of 12, 25-foot tall pylon signs along the western boundary of the Lancaster Auto Mall adjacent to the Antelope Valley Freeway with an increase in the permitted number of signs and reduction of spacing standards in the CPD zone (APNs: 3125-024-013, 3125-024-014, 3125-024-015, 3125-024-038)

The motion carried with the following vote of (6-0-0-0-1):

AYES: Vose, Harvey, Birden, Derryberry, Moore, and Tufts  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: Underwood.

**4. Conditional Use Permit No. 23-009**

Commissioner Derryberry recused himself from the dais prior to the hearing of this item, as he informed the Commission and the public that his family has a financial interest in property close to this proposed project.

Senior Planner, Cynthia Campaña, presented the staff report. Staff recommends adopting Resolution No. 23-17, approving Conditional Use Permit (CUP) No. 23-009 to allow for retail sales of

cannabis within an existing multi-tenant building at 42212 10th Street West, Unit 8 (APN: 3128-010-034).

Chairman Vose discussed the City Council's decision to amend an ordinance to allow for the retail sale of cannabis, and asked if he was correct in thinking the Council asked that the City Manager limit the number of properties that can sell. Community Director, Larissa De La Cruz, confirmed that this was correct. Vose also asked for clarification of the extensive application process and vetting of an applicant/investor to move forward with a retail cannabis project. Larissa informed the public and Commission that the applicant is currently running a cannabis manufacturing facility within the City of Lancaster, that is established, has had no issues and is in good-standing with the City. It was also confirmed that the applicant has other operations within LA County. Vose asked if a certain number of retail licenses has been established by the City Manager, Larissa confirmed there is no limit to the amount that can be approved. The only requirement is the need for a distance between such retailers (1,000 ft radius).

Commissioner Tufts asked about a previously approved cannabis manufacturing business in which a past community member spoke at a meeting regarding offensive smells. Tufts inquired about the Conditions of Approval, number 24, which mentions the detection of odor at a cannabis site and the immediate revocation of the permit if requirements are not followed. He asked for an update on the past gentleman and what the City is doing to make sure that these smells are not becoming an issue. Both Larissa and Patti informed the Commission and public that Code Enforcement inspected the site and found no issues upon inspection of that property. Chairperson Harvey asked about potentially looking into some sort of device or apparatus that can detect smells, Larissa De La Cruz mentioned that she was not aware of any such device or equipment but could investigate.

Chairman Vose confirmed that the products being sold would be pre-packaged and sealed, and thus not creating the same sort of smell nuisance that a manufacturing facility could create. Cynthia confirmed that the product is tightly sealed before arriving to the store. He also made clear that the purpose of the Planning Commission, and their decision making, is to abide by the City code, requirements, and ordinances, regardless of personal opinions on items or projects.

The Planning Commission received a comment letter regarding this project. Ms. Donna Nibbelink, a Lancaster business owner, wrote to oppose the retail selling of cannabis. There were no public speakers for this item.

Commissioner Tufts made a motion and Commissioner Birden seconded the motion to adopt Resolution No. 23-17 approving CUP No. 23-009 to allow for retail sales of cannabis within an existing multi-tenant building at 42212 10<sup>th</sup> Street West, Unit 8 (APN: 3128-010-034).

The motion carried with the following vote of (5-0-0-1-1):

AYES:	Vose, Harvey, Birden, Moore, and Tufts
NOES:	None.
ABSTAIN:	None.
RECUSED:	Derryberry.
ABSENT:	Underwood.

Commissioner Derryberry rejoined the dais for the next agenda item.

**5. East Side Overlay Zone**

Senior Planner, Cynthia Campaña, presented the staff report. Staff recommended that the Planning Commission adopt Resolution 23-18 recommending Approval to the City Council of the East Side Overlay Zone Text Amendment and certification of the Environmental Impact Report for the East Side Overlay and adoption of the findings.

Chairman Vose asked for a slide or information on projects that could be proposed or developed on these properties, should the overlay occur, by an applicant in the future. Cynthia informed the Chairman and the public that the following uses could potentially be developed: research and development, alternative energy uses, building, trade and related uses, distribution, food manufacturing, light manufacturing and warehousing, but with a prohibited use of cannabis commercial or manufacturing facilities.

There were nine comment letters received and nine public speakers present for this item. The Commission received letters from: Brenda Rasmussen and Josefa Silva, Hin and Lany Hartanto, Virginia Shields, Ben and Melinda Bach, Ken and Tracy Whitler, Samantha Alvarez, Donald Oesterle, Donald Kasper, and Oscar Mejia. Public speakers were: Helmuth Carmichael, John Alvarez, Lany Hartanto, Brenda Rasmussen, Virginia Shields, Donald Kasper, Paul Ward, Sharon Molnar, and Larry Chappell. All wrote and spoke to oppose or express concerns related to the overlay, most of whom reside in the Rancho Tierra Del Sol neighborhood and/or attend Lancaster Baptist Church. Opposing reasons include unawareness of exact proposed developments, light pollution, car and foot traffic, environmental concerns, noise, cancer, loss of rural views, and potential depreciation in their property value.

Chairman Vose asked staff to respond to some of the comments and to share with the public those items which could potentially be built on the parcels within the overlay. Staff shared that there are no current applicants or projects for this land, they also explained how development takes place. Chairman Vose also informed the public that the Commission does not vote for or against the people, certainly not our friends and neighbors. The Commission themselves are community members, some having even grown up in the area, and have been within the Commission for several years. Cynthia went over potential uses again, making note that all uses would be in-doors, meaning, within buildings. Each development or project will be reviewed on a case-by-case basis. Projects surrounding neighborhoods are generally required to conform with current standing buildings or landscapes. When staff reviews a project, they deem whether it is up to code and permissible, it is then that the project is brought to the Planning Commission, in which there is a public review period, the public is noticed, residents and owners within 1500 ft of the project are informed about the proposed development, and informed about when and where the Planning Commission meeting will take place where the Commission could approve or deny the project. As far as environmental concerns, each parcel in which there is a proposed development would have a report that is done which would include a more substantial overview and study and the applicant would mitigate as needed for each finding. As far as light pollution and traffic, street improvements are required of developers, which could include street lights and traffic related improvements based on the amount of additional traffic anticipated for each

project site. Patti Garibay informed the Commission and public that other projects that could be proposed are alcohol production and contractor's storage yard.

Chairman Vose asked for more clarity on the environmental document that was prepared for the East Side Overlay. Cynthia confirmed that it is a more generalized study, as it is difficult to determine specific environmental issues or needs without a specific use in mind. Chairman Vose confirmed for the record that each proposed project has an environmental report made and is provided for review to assist with making decisions regarding the land or other biological impacts, depending on both the use and location. Alan Ashimine spoke on behalf of Michael Baker International, he informed the public and Commission that they are the City's consultant for the Environmental Impact Report that was done for the East Side Overlay. He echoed Cynthia and confirmed that the current study is a broad, programmatic review using California Environmental Quality Act (CEQA) guidelines and is the first step, if the overlay is approved, then a more thorough review will be done on a case-by-case basis, as applicants come forward with individual projects.

Chairperson Harvey took note of several mentions from the community and their concerns, specifically their request to perhaps shift the overlay over, to not include parcels which lie directly across from their community; she asked if this had been considered as an option. Larissa reiterated that some of the comments and concerns from citizens are anecdotal, in that there are currently no projects underway. She did mention that if an applicant were to come forward with a project that upon research would prove detrimental or negatively impactful, the project would likely not move forward or even be feasible. Larissa also made mention that they had opportunities to discuss this overlay with community members, had scoping meetings, and heard their concerns, some of which were never mentioned until tonight, the main concern being cannabis, which was strictly prohibited based on conversations with church and community members. Chairperson Harvey inquired ask to whether those who attended the meetings were aware of what potential developments could be placed in the overlay zone, to which Larissa confirmed that those items were always part of the conversations, as led by City Council, towards this endeavor and developing the CEQA document for this project.

Commissioner Derryberry asked if the East Side Overlay (or Zone Text Amendment) could be described in simpler terms, as he didn't believe the community or public was fully aware of what it meant. Cynthia pulled up the overlay map again, she made sure to mention that it is not a full re-zoning, that the parcels are still zoned for residential (RR 2.5 Zone) and those uses are still permitted. The overlay itself simply allows more flexibility for what could be developed in this area. The RR 2.5 zone does already allow for some light production and solar, but would still require discretionary overview of the Commission. Chairperson Harvey felt as though the community understood, it is the unknown, undetermined at this time, developments that concern them. Commissioner Derryberry made the comment that development could potentially occur regardless, applicants can apply for and request a zone change and move forward anyway. Larissa confirmed that this project was led by the direction of City Council, to find and establish broader opportunities for development within the City of Lancaster, specifically related to alternative energy (as aligned with direction from the State). Chairman Vose mentioned that it was his understanding that they specifically wanted to look into economic advancement on the East side, much like what has been done on the North side and West side, this land being within the City's jurisdiction for well over 16-18 years. Commissioner Derryberry then asked for

what the alternate would be for, as example, a solar applicant, should this overlay not be passed, what the process would be.

Commissioner Moore made a motion and Commissioner Tufts seconded the motion to adopt Resolution 23-18, recommending Approval to the City Council the East Side Overlay Zone Text Amendment and certification of the Environmental Impact Report for the East Side Overlay and adoption of the findings.

The motion carried with the following vote of (4-2-0-0-1):

AYES: Vose, Birden, Derryberry, and Tufts  
NOES: Harvey and Moore.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: Underwood.

Chairman Vose verified with City staff and to the public that the item would now go to City Council, Larissa confirmed, however, an exact meeting date had not yet been determined. She did remind all that public noticing would go out as required, to include a notice in the local paper.

Chairman Vose recessed the meeting at 6:45pm, the next agenda item resumed at 6:47pm.

#### **COMMUNITY DEVELOPMENT ASSISTANT DIRECTORS ANNOUNCEMENTS**

Larissa De La Cruz introduced to the Commission and public, David King, an attorney from Best Best & Krieger LLP law firm. He and his firm specialize in land-use laws, CEQA, housing, and others. This was his first attendance in a meeting but has been working behind the scenes for the Planning Commission for several months now. Chairman Vose welcomed him on behalf of the Commission.

Assistant Director of Community Development – Planning & Permitting, Patti Garibay, informed the Commission that the August and September agendas are full, however, trying to balance items out in order to evenly distribute projects. Both November and December are already filling up as well, so either Heather Breheny or Sandra Moreno will be reaching out to try and establish quorum for those months. Patti also informed the Planning Commission that the Planning department is bringing on a part-time Planning Technician to support them and the City in their on-going developing endeavors and that we have exciting alternative energy projects coming to the Commission soon.

#### **PUBLIC BUSINESS FROM THE FLOOR**

This portion of the agenda allows an individual the opportunity to address the Commission on any subject regarding City business. Under state legislation, no action can be taken on non-agenda items. Members of the public should be aware of this when addressing the Planning Commission regarding items not specifically referenced on the agenda. Please complete a speaker card for the Recording Secretary, speaker cards are available at the rear of the Council Chambers. **Individual speakers are limited to three (3) minutes each.** *Individual comments are limited to three (3) minutes each unless a different time is announced.*

There were no public speakers.

## **ADJOURNMENT**

The meeting was adjourned at 6:57pm to the Special Meeting on August 14, 2023 at 5:00pm, in the Lancaster City Hall Council Chambers.

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JAMES VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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HEATHER BREHENY, Recording Secretary  
City of Lancaster