

# **MINUTES**

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## **REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION**

**August 20, 2012**

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### **CALL TO ORDER**

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

### **INVOCATION**

Vice Chairman Hall did the invocation.

### **PLEDGE OF ALLEGIANCE**

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

### **ROLL CALL**

Present: Commissioners Cook, Harvey, Malhi, Terracciano, and Vice Chairman Hall.

Absent: Commissioner Smith and Chairman Vose.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Associate Planner (Chuen Ng), Associate Planner - Environmental (Jocelyn Swain), City Engineer (Michelle Cantrell), Recording Secretary (Joy Reyes), and an audience of approximately 30 people.

### **UNCONTESTED PUBLIC HEARING**

The Commission concurred to rearrange the Agenda Items in the following order:

- First was item No. 1 - Approval of Minutes
  - Second was item No. 6 - Conditional Use Permit No. 12-13
  - Third was item No. 4 - Conditional Use Permit No. 12-06
  - Fourth was item No. 5 - Conditional Use Permit No. 06-08
  - Fifth was item No. 3 - Conditional Use Permit No. 11-07
  - Sixth was item No. 2 - Residential Zones Update
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**CONSENT CALENDAR**

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**1. APPROVAL OF MINUTES**

It was moved by Commissioner Malhi and seconded by Commissioner Terracciano to approve the Minutes from the Regular Meeting of July 16, 2012. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, and Vice Chairman Hall.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Smith and Chairman Vose.

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**NEW PUBLIC HEARING**

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**6. Conditional Use Permit No. 12-13**

Vice Chairman Hall opened the public hearing at 6:03 p.m. to hear a request by Floridalma McKoy, to allow on-sale beer and wine (Type 41 Alcoholic Beverage Control License) at Joey's Restaurant, in the MU-E (Mixed Use-Employment) Zone, located at 43533 Sierra Highway.

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 were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:04 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Harvey to adopt Resolution No. 12-17 approving Conditional Use Permit No. 12-13. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, and Vice Chairman Hall.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Smith and Chairman Vose.

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**CONTINUED PUBLIC HEARINGS**

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**4. Conditional Use Permit No. 12-06**

Vice Chairman Hall opened the public hearing at 6:05 p.m., to hear request by A.V. Christian Center, to construct and operate a church facility totaling 32,524± square feet, including a 9,527± square-foot auditorium, 8,230± square-foot multi-purpose room, and 14,040± square feet of miscellaneous office space and restrooms, and a one-acre drainage basin in the RR-1 (Rural Residential, one dwelling unit per 40,000 square-foot lot minimum) zone, 20.2± acres of an 80± gross acre site located on the southwest corner of 30<sup>th</sup> Street East and Avenue K-8.

Chuen Ng read the staff report; an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Vice Chairman Hall inquired if the applicant was present to respond regarding the intended use of the dirt that would be excavated from the detention basin.

Applicant's representative and engineer, Randy Gorman of Antelope Valley Engineering, responded that the purpose of the drainage basin is for temporary mitigation of on-site water being generated by the project until the grading is completed. The dirt would be used to be placed back onto the site for necessary building needs.

Vice Chairman Hall inquired if there would be solar shade in the future, and applicant representative could not affirm because solar shade had not been discussed.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:10 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 12-15 approving Conditional Use Permit No. 12-06. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, and Vice Chairman Hall.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Smith and Chairman Vose.

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**NEW PUBLIC HEARING**

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**5. Conditional Use Permit No. 06-08**

Vice Chairman Hall opened the public hearing at 6:10 p.m. to hear a request by The Frank and Yvonne Lane 1993 Family Trust, Joshua Lane LLC, and The Wood Group, to construct a 395,355 square-foot commercial shopping center, with off-site sales of alcoholic

beverages for the Anchor 1 building and the Drug Store, 40.26± gross acres located at the southeast corner of 60th Street West and Avenue L.

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 were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:11 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to grant a one-year extension to September 11, 2013, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 09-23. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, and Vice Chairman Hall.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Smith and Chairman Vose.

## **CONTINUED PUBLIC HEARINGS**

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### **3. Conditional Use Permit No. 11-07**

Vice Chairman Hall opened the public hearing at 6:12 p.m., to hear request by Silverado Power, LLC to construct a 10 megawatt (MW) photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone, 40± gross acres located at the southeast corner of 110<sup>th</sup> Street West and Avenue J.

The staff report was presented by Jocelyn Swain; an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Vice Chairman Hall inquired if staff received any letters of opposition from home or property owners within the area of the proposed project. Jocelyn Swain stated the staff received a total of 11 comment letters. Of these comment letters, three were from State Agencies in response to the Initial Study, and eight were from property owners responding to the posting of the sign on the project site. Property owners within the 1500-foot radius of the project site were sent public hearing notices; none of the commenters live within this distance. Vice Chairman Hall inquired as to what the purpose of notification within 1500-foot radius. Jocelyn Swain stated in accordance with State law the notification has to be sent to home/property owners within 300 feet radius of the project; because rural residential lots are larger, in accordance with Lancaster Municipal Code Zoning Ordinance, the radius was expanded to 1500 feet.

Garrett Bean, representative of Silverado Power, provided a slide presentation.

Vice Chairman Hall inquired of the distance from the project to the Antelope Valley Substation; the representative responded approximately .25 miles. Vice Chairman Hall requested representative to explain the pre-disturbed land. Garret Bean stated that pre-disturbed land is the land that was used for farming or agricultural activity before the project; this procedure is done on many of the sites used for a previous purpose. A walk-thru was conducted with California Department of Fish and Game (CDFG) on each site and evaluated.

Commissioner Harvey inquired from representative's presentation of the environmental impact perspective as being very low to minimal. Garret Bean responded that when processing the biological survey was conducted there were species of concern identified as Swainson hawk and burrowing owl. Commissioner Harvey, referenced a comment letter received from a resident in Antelope Acres, asked Garret Bean if he informed residents in the area of the process of the survey. He stated several meetings had been conducted with the residents in the areas of the project, and all reports received had been presented. Commissioner Harvey inquired as to the type of feedback he had received. Garrett Bean stated primarily the residents do not want solar in their area.

Commissioner Terracciano inquired why the project area is considered a premier site, and Garrett Bean responded the site is very near to the Antelope Valley Substation, reduces costs and impacts, translated down to the consumer.

There were seven (7) speaker cards:

Speaker 1: Larry Jernigan stated he is in favor of the project. He is a 50-year resident of the Antelope Valley; involved in the community and past presidents of many; in business for over 20 years, and current owner of All Valley Surveying. He stated the Silverado brochures promises local hiring and has allowed him to hire additional employees. He opined that Silverado is an economic benefit to the community, and good for the environment.

Speaker 2: Robert Kerekes stated he is president of the Antelope Acres Town Council, and opposes the project. He stated that Antelope Acres has been inundated by solar projects, and are concerned about the environment. He informed that meetings have been held with the applicants and have not been productive; he opined the concerns have been ignored. He reported there were six similar projects from the County, and one from the City. He stated that Antelope Acres either consists of farms or sites taken over by the power companies, the area is very barren, migratory bird area, the Joshua trees are gone and solar projects would degrade the area more; the view is fencing and barbed wire. He concluded that no one has done anything or is concerned to make the area look better.

Speaker 3: Judith Fuentes, resident of Antelope Acres, asked the Commission to reconsider establishing solar generator facilities on the west side city limits of Lancaster next to Antelope Acres. She stated that solar should be buildings and houses, not open space, farm land, or previously disturbed farm land.

Speaker 4: Michelle Supple stated she is not opposed to solar, but opposed to the location of the project so close to her home purchased to live a rural lifestyle. She stated the project would have an impact because she has horses and sheep; the homes are all on water wells, and there is no mitigation. She concluded the roads off Avenue I are full of potholes, when the water truck comes through that impacts the schools, as well as the school buses, and there is no fire department in the area.

Speaker 5: Terri Hartman, Antelope Acres resident, read from pre-written notes expressing opposition to the projects of solar farms. She read questions in reference to the processing of public hearing notices, and concerns of the affect on the water, wildlife, rural lifestyle, schools, traffic, and roads. Many people come to the area to view the poppies while traveling to the preserve, which are now being taken over by the solar facilities.

Speaker 6: Virginia Stout, resident of Antelope Acres, stated that working with Silverado has not been productive. She stated the representative described the area as an "ugly site", and to many residents the site is what drove residents to the area. Many residents are there to retire, and were promised an open area that could be enjoyed. She opined that because of a green revolution all has changed; the view will be homes with chain-linked fences. She emphasized that if the applicant contacted a resident instead of talking a walk with CDFG, the applicant would see the wildlife, dry streambeds; no Environmental Impact Report (EIR) was done. She opined that green energy should be on large parking lots of various department stores, not on open spaces. She concluded by suggesting to the Commission to drive out and view First Solar on Highway 138 to get an idea of the residents' concern.

Speaker 7: Anthony Disney stated he is a representative for Paving the Way Foundation, a non-profit training solar corporation. He stated that he had communicated with Silverado and was told that there is a concern for local employment, and social aspect of long-term economic impact. He expressed having good experiences with Silverado as being responsive, and stated the residents' concerns brought up are legitimate, and he is also a resident of Antelope Acres. He is in favor of the project, and concluded that Silverado has done a good faith effort to be responsive to the needs of the community.

There were no other speakers.

Garrett Bean responded that Silverado is aware of all the concerns made and did not want to be judged by the residents experience with other developers. He recapped from statements by the speakers in reference to conversations with Silverado were not effective and disagrees; Silverado has tried to mitigate the impact. He clarified that the description of "ugly" refers to some of Silverado's sites with unsafe structures which have safety concerns. He stated in response to the Public Hearing Notices; because of the receipt of mail issues Silverado went out to meet town councils to address many of their concerns. He stated that Silverado met with West Side Unified School District to discuss the issue of traffic and scheduling concerns.

Vice Chairman Hall asked if applicant representative could give an example of what kind of terms were discussed. Garrett Bean stated that other developers have offered monies, or have helped to build a community center; Silverado prefers their project to stand alone on their own merits. Silverado wants to mitigate the impacts caused by their projects. He gave an example of their project on 90<sup>th</sup> Street East; the school was impacted because Silverado's property across the street from the school was being used for parking, therefore a school parking lot was built. He concluded that Silverado is not able to give large sums of money.

Commissioner Terracciano inquired what would cause a solar facility to contaminate water. Garrett Bean responded that solar companies will use water for cleaning the solar panels, which is a normal process; twice a year and during construction. There is no runoff or drainage impact; continues to work with City to meet water qualifications as mentioned within the conditions.

Commissioner Cook inquired how much water is used when washing the solar panels, and if there was anything else to add regarding environmental impacts. Garrett Bean responded the water used when washing the solar panels is approximately 1-2 acre-feet per year for a 10 megawatt facility. Also, regarding environmental impacts, Silverado has done a comprehensive job and has worked with CDFG, the Audobon Society, Defenders for Wildlife, and other agencies. Silverado has gone above and beyond mitigation measures; tree planting to return as vegetation for the habitat.

Commissioner Harvey commented on the process of the agenda review, and informed the public that the Commission does not take lightly what is presented in the meetings. She suggested to the Commission to consider taking a field trip to view the area suggested by the speakers.

Vice Chairman Hall commented of hearing a speaker mentioned there was no EIR completed, and inquired if pre-disturbed areas were chosen because this report would not be required. Garrett Bean responded the reason pre-disturbed areas are chosen is to minimize impacts; if the reviewing agencies deemed impact reports to be done, there would have been and EIR.

Public hearing closed at 6:59 p.m.

Commissioner Terracciano asked Brian Ludicke to clarify how certain problems are addressed during a project construction, such as pot holes. Brian Ludicke referenced to Condition No. 12 “Per the direction of the Director of Public Works, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.” He informed that this condition is typical to all solar projects approved.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to continue Resolution No. 12-14 approving Conditional Use Permit No. 11-07 to the September 17, 2012, Planning Commission Meeting. Motion carried with the following vote (4-1-0-2):

AYES: Commissioners Cook, Harvey, Malhi, and Terracciano.

NOES: Vice Chairman Hall.

ABSTAIN: None.

ABSENT: Commissioner Smith and Chairman Vose.

## 2. **Residential Zones Update**

Vice Chairman Hall opened the continued public hearing at 7:04 p.m., to hear the comprehensive update of the Residential Zoning Ordinance in Title 17, Chapter 8 of the Lancaster Municipal Code.

The staff report was presented by Brian Ludicke. There were none in the audience who wished to speak in opposition to the report.

Vice Chair Hall read through his list of concerns as follows:

On page 6, concerning commercial solar electrical generation facilities, he inquired if neighbors could combine their assets together and go into commercial generation if an RR-2.5. Brian Ludicke stated there was no mention of who manages the commercial generation in the rural residential zone; the focus is on the use in the area.

On page 7, setbacks on garages, and page 8, diagram does not match. Chuen Ng stated the diagrams on pages 8, 10, and 11 are generic, and suggested to refer to the tables instead for specifications.

On page 13, building height on MDR or HDR Zone. Brian Ludicke stated typically 35 feet on a two-story house; the intent is to keep within a two-story range, typical requirement in low density zones.

On page 15, there is a difference between Section C, small apartments or condos (2-15 units; p.13), and Section D, large apartments or condos (greater than 16 units). Chuen Ng stated that the difference is there are two maximum building heights; the 55-foot maximum building height is for smaller apartments/condominiums, and 72-foot maximum building height is for larger apartments/condominiums in single family residence (SFR). Brian Ludicke stated smaller projects are on smaller lots; the residential zone draft is designed to show the difference when there are larger lots. Vice Chairman Hall stated that he has observed that when the lots are smaller the height is usually taller, and inquired if that would affect the new building codes. Brian Ludicke stated once the complex goes over 15 units the complex is considered large apartments.

On page 17, design and performance measures, inquired if a note can be added to reference back to the ADC Design Guidelines. Chuen Ng affirmed.

Vice Chairman Hall announced the public hearing would remain open, and continue to the September 17, 2012, Planning Commission Meeting. The Commission concurred and directed staff to draft the residential zones ordinance.

## **DIRECTOR'S ANNOUNCEMENTS**

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Brian Ludicke reminded the Commission, and informed the public of the Southeast Transit Village Planning Area (STVPA) Joint workshop on October 8, 2012, with the Architectural and Design Planning Commission.

## **COMMISSION AGENDA**

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None.

## **PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS**

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None.



**ADJOURNMENT**

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Vice Chairman Hall declared the meeting adjourned at 7:20 p.m., to the Special Meeting for Agenda Review on Monday, September 10, 2012, at 5:30 p.m., in the Planning Conference Room, City Hall.

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster