

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

December 17, 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, Smith, Terracciano, and Vice Chairman Hall.

Absent: 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 (Marion Coleman), and an audience of four people.

It was moved by Commissioner Smith and seconded by Commissioner Terracciano to excuse the absence of Chairman Vose from the meeting. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Chairman Vose.

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**CONSENT CALENDAR**

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**1. APPROVAL OF MINUTES**

It was moved by Commissioner Malhi and seconded by Commissioner Smith to approve the Minutes from the Regular Meeting of October 15, 2012. Motion carried with the following vote (5-0-1-1):

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

NOES: None.

ABSTAIN: Terracciano.

ABSENT: Chairman Vose.

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**NEW PUBLIC HEARINGS**

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**2. Conditional Use Permit No. 12-07**

Vice Chairman Hall opened the public hearing at 6:05 p.m., to hear request by Investment Concepts (Clock Storage Plaza LP), to construct a 77,110 square-foot self-storage facility with an office in the CPD (Commercial Planned Development) Zone, located 3.38± acres on the west side of 20<sup>th</sup> Street West, 375 feet north of Avenue K.

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 6:05 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Terracciano to adopt Resolution No. 12-25 approving Conditional Use Permit No. 12-07. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Chairman Vose.

**3. General Plan Amendment No. 12-03, Zone Change No. 12-03, Conditional Use Permit No. 12-12**

Vice Chairman Hall opened the public hearing at 6:07 p.m. to hear a request by Sunlight Partners, to amend General Plan land use designation for the subject property from UR (Urban Residential) to NU (Non-Urban Residential); rezone property from R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres); and to construct a 1.5 megawatt photovoltaic solar generating facility in the Rural Residential 2.5 (RR-2.5) Zone, located on 20± acres at the southwest corner of Lancaster Boulevard and 40<sup>th</sup> Street East.

An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. There was one speaker card completed by the applicant, and a letter received from Darren K. Proulx of Land Resource Management, Inc., dated November 28, 2012.

The staff report was presented by Jocelyn Swain.

Commissioner Terracciano inquired if the APNs (Assessor Parcel Numbers) on the letter related to the approved tract maps marked on the aerials of proposed project. Jocelyn Swain responded she did not believe so, but could not say for certain.

Commissioner Malhi stated he has concerns about the chain link fence, and inquired if there was anything else that could be done with the landscape to make it more attractive to the public. Vice Chairman Hall stated that in the past, the Commission has requested a tubular steel fence, and inquired if a condition could be stated in the motion.

Brian Ludicke stated that generally on solar photovoltaic (PV) projects in rural areas, chain link fences have been done with landscaping. There have been other projects closer within the community reviewed by the Commission, and staff required tubular steel fencing along the perimeters that were proximate to existing residential. Commissioner Malhi concurred.

Commissioner Smith opined that the letter received was requesting that the project be more aesthetically pleasing, since it will be surrounded by residential areas; she agreed with Commissioner Malhi.

Vice Chairman Hall inquired as to the cost difference between square-linear-foot chain link versus tubular steel. Brian Ludicke stated he was not sure of the cost difference, but assumed there would be a notable difference on masonry block versus chain link.

Vice Chairman Hall asked if the tentative tract map is approved for later construction, whether the block wall to the south of the proposed project would be constructed; and during the extension period, whether it would be in chain link or open. Jocelyn Swain stated that the block wall would be constructed if the tentative tract map gets constructed; the map is approved but the developers have not moved forward with the project yet; a chain link fence currently surrounds the property. Vice Chairman Hall then asked the applicant to address the Commission.

Applicant Dustin Thompson stated he understood the concerns about the chain link fence, and is willing to look into all possible solutions for a more pleasing aesthetic along Lancaster

Boulevard. He stated he does not know what the cost difference is between the tubular steel fence versus the chain link fence, which would be a concern Sunlight partners would like to investigate. He suggested increasing the density of the landscaping across Lancaster Boulevard to cover the majority of the fencing; it may be less expensive than a tubular fence. Applicant expressed a willingness to receive suggestions for solutions to appease all the residents. Vice Chairman Hall inquired if it would be objectionable if the tubular steel fence was added to the conditions for the Lancaster Boulevard side. Applicant's engineer, Craig Johnson, responded that since the cost is still unknown for either type of fences, they would like to proceed with the chain link fencing around the project area at this point. Vice Chairman Hall stated the north-facing tubular fencing would be the Lancaster Boulevard side. Craig Johnson stated he misunderstood and clarified that the Lancaster Boulevard side would be the tubular fencing. Vice Chairman Hall responded that was his understanding.

Commissioner Terracciano stated chain link fencing was required on the Avenue K-8 and 40<sup>th</sup> Street East project, and inquired if this was a recently approved project. Jocelyn Swain affirmed.

Commissioner Harvey inquired if the Commission was going to mandate only tubular steel fencing, or allow the applicant to explore less expensive options that may also be suitable, as there is sense of reluctance from the applicant with regards to the cost. Craig Johnson stated there is reluctance on their part, because the cost is not known at this point, and they need some time to explore other options.

Vice Chairman Hall stated there are concerns this project will look like a "prison"; therefore, he understands Commissioner Malhi's concern for the property appearing a certain way. He added that if possible, other options can be included to make the project look better than the proposed chain link fencing. The applicant agreed, and inquired if he needed to obtain approval from the Planning Department. Vice Chairman Hall asked Jocelyn Swain what wording would be required in the motion. Jocelyn Swain replied that the motion would need to include what the fence should look like, other suitable options such tubular steel, or any other changes desired. Commissioner Smith stated that "aesthetically pleasing" should be added as well, because it is the whole point of the objection.

Commissioner Terracciano pointed out that tubular steel has the finish that would make a big impact as far as aesthetics and longevity; paint versus powder coat, for example, powder coating would last longer. Vice Chairman Hall agreed that the term "aesthetically pleasing" would need to be included when asking for sustainability.

Commissioner Smith asked for clarity on the additional landscaping around the perimeter, and inquired if this would have an effect on block wall or tall trees in the production of a solar project. Applicant responded that in terms of shading, the block wall or tall trees would have an effect; in certain cases, an engineer would have to look at the height of the wall or trees to determine the shading impact. In addition, there have been cases where certain trees have blocked some of the solar panels and decreased the power output of the Plant. Commissioner Smith stated that if that was an option, it would have to be considered as well. Vice Chairman Hall stated there is an ordinance that governs the type of plants to be used, such as native plants; if the trees are too large, it would use too much water. Commissioner Smith opined that any of the options with the fencing would go well with the landscaping. Vice Chairman Hall stated that the tubular steel fencing would need to be landscaped.

Applicant inquired if staff was going to write the condition for the option discussed. Commissioner Smith stated she would be comfortable with staff having the authority to make that determination in reference to what the Commission is requesting.

Brian Ludicke stated he had draft language for the Commission to consider. However, the Commission would have to decide if this is something they would like to review prior to a final approval on whatever alternative treatment the applicant does on Lancaster Boulevard. Staff believes taking it back to the back to the Commission for review would be better, because the Commission would be providing the direction for better aesthetics. Vice Chairman Hall agreed, and inquired about the draft language. Brian Ludicke stated it would be in addition to Condition No. 9, which expands on the installation of landscape planter to read “the applicant shall investigate alternative approaches to the installation of chain link fencing to approve the aesthetic appearance along Lancaster Boulevard, and applicant shall provide that to the Commission for final review prior to installation.” He reminded the Commission that for the General Plan Amendment and Zone Change associated with the project, construction or any type of work could not begin until the City Council takes action on those items; therefore, it is not a situation that would prevent the applicant from moving forward if the applicant were to return with a proposal for the frontage of Lancaster Boulevard by the next scheduled Planning Commission meeting of January 28, 2013.

Vice Chairman Hall inquired if Brian Ludicke’s suggestion were acceptable to the Commission, to which the Commissioners concurred. Brian Ludicke stated the Commission could make a motion to recommend to the City Council approval of the general plan amendment and zone change, and condition the conditional use permit to state that the final design of the frontage along Lancaster Boulevard is subject to the Planning Commission’s review.

Instead of returning before the Commission for review and approval, the applicant inquired if staff could incorporate wording in the conditions that would allow Sunlight Partners to install tubular steel fencing, should their research determines it to be cost effective.

Commissioner Smith stated her preference to review the matter. Vice Chairman Hall noted the tubular fencing has been placed in projects closer to town approved.

Applicant stated that instead of an alternative solution, which they are being required to return for review before the Commission, whether the project could be approved with changes in the conditions, as other solar projects.

Vice Chairman Hall commented that the applicant had a fair point, the Commission has approved similar projects closer to town in the past, and this would be the first for such a requirement for a project in a rural area. He expressed if the motion is stated to upgrade to tubular steel, he is in agreement with the applicant; the applicant should not have to revisit.

Brian Ludicke stated if the Commission is comfortable that the tubular steel gives the aesthetic approach that is desired to enhance the landscaping, staff can write the condition to administer this approach. He clarified that in the past, the applicant asked for an alternative to a solution that the Commission nor staff has reviewed; for that reason, he would rather it goes back to the Commission. If the applicant is willing to accept a specific design solution, and the Commission is comfortable with the design solution, staff can draft a condition to that effect.

Brian Ludicke concluded that what the applicant had requested previously was the ability to explore all alternatives, and in that kind of discretionary setting the Planning Commission would need to review.

Vice Chairman Hall opined that if the applicant found it cost effective to proceed with what the project has been conditioned on the fencing, then he urges the Commission to approve the project. If the applicant were to explore for an alternative for the Commission's consideration, then there clearly would be a need for a review. He stated he would like to see wording on the condition to that effect.

Commissioner Terracciano stated for clarity, the applicant's proposed solution would be required to be brought back for review before the Commission if the solution is other than the tubular steel solution. The Commissioners and the applicant agreed. Commissioner Terracciano inquired if staff had any response from Lancaster Baptist Church with regards to the project. Jocelyn Swain responded she had not. Brian Ludicke stated he had not either, and noted that the applicant had meetings with Lancaster Baptist Church representatives, and may be able to shed more light on that status. Jocelyn Swain recounted that she had spoken with Ben Hobbs at the Planning Department counter, who wanted a copy of the staff report and viewed the site plans.

The applicant informed that he had a few meetings with Lancaster Baptist Church. He presented the site plan in an effort to obtain their approval. He concluded that Lancaster Baptist provided Sunlight Partners a verbal approval.

There were none in the audience who wished to speak in opposition to the report. Public hearing closed at 6:28 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Malhi to adopt Resolution No. 12-26 recommending to the City Council approval of General Plan Amendment No. 12-03 and Zone Change No. 12-03, on the subject property. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Chairman Vose.

Brian Ludicke informed the Commission that the amendment to Condition No. 9 would read "The applicant shall install decorative tubular steel fencing and enhanced landscaping along the Lancaster Boulevard frontage, subject to review and approval of the Planning Director. Should the applicant propose a design solution along Lancaster Boulevard other than stated in this condition, such design shall be subject to review and approval by the Planning Commission."

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to adopt Resolution No. 12-27 approving Conditional Use Permit No. 12-12, with an amendment to

Condition No. 9. The approval of CUP No. 12-12 is not valid until the effective date of General Plan Amendment No. 12-03 and Zone Change No. 12-03. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Chairman Vose.

### **DIRECTOR'S ANNOUNCEMENTS**

Brian Ludicke stated per discussion at the study session, the staff drafted minor amendments to the Residential Zones that will be brought back to the Planning Commission Meeting of January 28, 2013, to address accessory dwelling units and other minor changes, due to the City's recently adopted Housing Element. Vice Chairman Hall inquired if the Monday special meeting (January 14, 2013) would be open to the public. Brian Ludicke affirmed.

### **COMMISSION AGENDA**

Vice Chairman Hall announced that the Planning Commission meetings of January 21, and February 18, 2013, have been rescheduled due to the Martin Luther King, Jr., Day and President's Day holidays, to January 28, and February 22, 2013, respectively.

Commissioner Terracciano wished a speedy recovery to Chairman Vose.

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

None.

**ADJOURNMENT**

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Vice Chairman Hall declared the meeting adjourned at 6:35 p.m., to the Special Meeting for Agenda Review on Monday, January 14, 2013, 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