

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

January 28, 2013

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### CALL TO ORDER

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

### INVOCATION

Pastor Timothy Stroup of Crosswind Community Church did the invocation.

### PLEDGE OF ALLEGIANCE

Vice Chairman Hall led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

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

Absent: Commissioners Malhi and Smith.

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 four people.

### CONSENT CALENDAR

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#### **1. APPROVAL OF MINUTES**

It was moved by Vice Chairman Hall and seconded by Commissioner Harvey to approve the Minutes from the Regular Meeting of December 17, 2012. Motion carried with the following vote (4-0-1-2):

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

NOES: None.

ABSTAIN: Chairman Vose.

ABSENT: Commissioners Malhi and Smith.

## **NEW PUBLIC HEARINGS**

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### **2. Conditional Use Permit No. 10-22 (Request for Extension)**

Chairman Vose opened the public hearing at 6:04 p.m., to hear request for extension by Beautiful Earth Group, Inc., to construct a 38 megawatt (MW) photovoltaic solar generating facility comprised of two 19 MW solar fields in the Rural Residential 2.5 (RR-2.5) Zone, located 180± acres bounded by Avenue H, Avenue H-8, 80th Street West, and 90th Street West.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the revised conditions of approval as stated in the staff report.

Chairman Vose recalled the City Council raising the issue concerning screening, fencing, landscaping on photovoltaic solar projects in residential zones in the community, and inquired if staff would address that topic.

Brian Ludicke stated that the first commercial production solar productive facility has been completed, known as the TUUSO Energy project located at 100<sup>th</sup> Street West between Lancaster Boulevard and Avenue I. He stated the landscaping for said project has been completed, and invited the Commissioners to visit the project area; landscaping approach as endorsed by staff, resulting in screening of a chain linked fence as a buffer for the area, a manner consistent to rural appearance where most of the projects are located. He added that staff is open to other suggestions, and dependent upon specific projects, there may be areas that staff may request for greater setbacks, or areas for hiking, equestrian trails, parks, or bikeways, particularly if desired by the community or demonstrated on the Master Plan for Trails and Bikeways. Jocelyn Swain added that at the TUUSO site, approximately 1,800 plants on five foot centers, which will grow ultimately to be taller than the six-foot chain linked fence, and should screen the site completely. She concluded there is another project currently going through the approval of grading, building, and landscaping plans, and the applicant is working with the residents directly across the street; staff is expecting to receive requested documents of corrections. Chairman Vose stated the standard is not much different from what is required of every other type of perimeter visual impact, whether fencing, landscaping, or combination thereof; he did not realize the plants were on five-foot centers. Jocelyn Swain stated the particular size was used due to the plant species that were used. Chairman Vose asked if the plants were different types or all the same. Jocelyn Swain stated the plants are all the same; the trees and bushes that already existed along the perimeter at the site were left in place to further screen the site from view.

Chairman Vose opined that the chain linked fence landscaping for the project at 97<sup>th</sup> Street West and Avenue I is appropriate for the rural area. He stated there were comments from City Council members relative to undergrounding utilities, which he considers to have visual impact as well. However, he does not think it is cost efficient to underground 66 kilovolts (kV) lines; it is extraordinarily expensive, does not make economic sense, and would not encourage additional solar energy projects or other alternative energy products in the communities. He expressed that it would be cost prohibitive to try to impose those types of conditions on solar development. Jocelyn Swain stated that on the two sites discussed, one project was built with underground transmission lines that had already been installed prior to the

project; therefore, no additional off-site lines were needed. The Beautiful Earth project under question is tied into the substation immediately adjacent to the project, and will also not require off-site lines down the street.

Brian Ludicke stated that as more of these types of projects are created, staff will look into different screening requirements. Chairman Vose stated if comments from past public hearings were reviewed regarding projects further west in the County jurisdiction, their setbacks are extreme, landscaping seems to be skimpy, and fencing has green sheeting. He inquired if anyone had suggested placing green screens on the fencing; Brian Ludicke stated he was not aware of that suggestion. Chairman Vose stated that the conditions recommended for the extension are similar to previously proposed conditions. Jocelyn Swain affirmed and stated with two minor changes related to sales tax, and adding the City's indemnity condition.

Vice Chairman Hall inquired as to how much Southern California Edison (SCE) is charging the developers to connect to their substation.

Michael Clayton, developer for Beautiful Earth, responded that depending on the project specifics, the cost is quite high; SCE charges are very high, and process time consuming. Vice Chairman Hall asked Michael Clayton's opinion of steel tubular fencing and its cost. He responded that he would do as agreed; if the City wanted something different, he is open to discussing it further. He added that tubular fencing is quite expensive and time consuming to complete; the projects are very competitive, and profit margins are not extremely great to begin with. Vice Chairman Hall stated that regulations the Commission make could potentially put the developer out of business, or discourage him from doing the project. The developer, Michael Clayton, responded that was possible.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:16 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to February 11, 2014, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 10-50. Motion carried with the following vote (5-0-0-2):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Malhi and Smith.

### **3. Residential Zones Update**

Chairman Vose opened the public hearing at 6:17 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 read by Chuen Ng. He explained that staff, considering public response, is proposing further additions and amendments to the Residential Zones that was recommended for adoption by the Planning Commission on October 15, 2012; to include: Changes to standards and guidelines for second dwelling units (term to be changed to “accessory dwelling units”); and, in accordance with State Housing Element requirements: addition of single-room occupancy (SRO) as a use in the Residential Zones, with standards and procedures; additions and amendments of terms and definitions that would allow the location of transitional and supportive housing in residential zones subject only to those restrictions that apply to other residential uses of the same type in the same zone; and amendment of the zoning ordinance to allow by administrative review, the operation of emergency shelters on properties within the Light Industrial (LI) zone, subject to development standards applied to any other use in the LI zone. He concluded that the added changes for accessory dwelling units will allow property owners greater flexibility to accommodate various household living arrangements. The proposed zoning code amendments implementing adopted Housing Element specific actions are necessary to comply with State law.

Commissioner Terracciano inquired if the changes would bring the Residential Zones Update in compliance with the City’s Housing Element and State law. Chuen Ng affirmed, and stated the implementation of the actions is as required by California State Housing and Community Development (HCD).

Chairman Vose commented that staff’s analysis and adjustments to the verbiage of appropriate sections in the Residential Zones Update are limited by statute. Chairman Vose noted, however, the current emergency shelter is not in an LI zone, to which Brian Ludicke affirmed the emergency shelter is currently located in the MU zone; Chairman Vose added it is, therefore, non-conformant. He stated should there be another emergency shelter proposed, it would then be a ‘use by right’ in the LI zone; Brian Ludicke affirmed, assuming the proposed update is enacted. Chairman Vose commented since the proposed requirements are in conformance with State law, it would otherwise be a challenge not to adopt them. Brian Ludicke responded State law requires that a city must identify at least one zone which would permit emergency shelters by right; in the City’s Housing Element adopted in 2012, that zone was identified as the LI zone. Chairman Vose stated the transitional housing as well is identified as a ‘use by right’. Brian Ludicke affirmed, and stated the primary change is that the City’s current definition of “family” in the zoning code is really the issue HCD was concerned about; the current definition does not match with what is in the City’s group home licensing ordinance; changes will bring in compliance with HCD. However, the land use change does not create conflict with the City’s existing group home licensing ordinance; it does deal with the issue HCD had concerning the definition of “family”, bringing it into conformance.

Vice Chairman Hall inquired if it references to all LI zones, or just one that will be designated. Brian Ludicke responded that it is any area that is designated within the City as LI; any place that holds that zoning classification could in theory be a location by right for emergency shelter. Chairman Vose stated it would exclude areas under a specific plan, to which Brian Ludicke affirmed, as it is a different category. Chairman Vose added he does not see anything inappropriate, but felt that this does not preclude the agencies from encouraging that type of use in other areas with some form of a conditional use, as do other establishments with similar type of uses; for example, a restaurant with a liquor license allowed in different zones, as long as it complies with State and City requirements for a conditional use. Brian Ludicke

affirmed, and stated the philosophy from HCD is to ensure that every jurisdiction has at least one zoning classification in which by right there is an emergency shelter, so that the cities cannot zone them out of existence completely within their locality. Chairman Vose stated the structure of the law has to do with the identified receptors; those that are receiving the service, whether they are a defined family member, or receptor being a shelter (member in a group home). Brian Ludicke affirmed, and stated that has been the legal thought for the past 20 years in terms of definitions of families, groups, and so forth. Chairman Vose stated the purpose is so government does not preclude the establishment of any type of use.

Commissioner Harvey requested clarification on the fundamental difference between a single room occupancy (SRO) and a guest houses is size and the lack of a kitchen in a guest house. Chuen Ng stated that an SRO building is intended for a multi-tenant building (e.g. Essex House, consisting of individual rooms and a common dining facility).

Vice Chairman Hall stated his concerns go back to the solar requirements, and recalled comments from the Beautiful Earth developer that the requirements do hinder builders' development. With the proposed update, the Commission is creating more regulations; he believes in fewer regulations and letting the market decide. There was news of KB Homes announcing to have just built their thousandth solar house, and have done so without any regulations from the City; and he reiterated he would like to see the market decide. He stated that because his motion to remove the solar requirement failed due to lack of a second motion, he simply wanted to place on record the reason he was against this requirement.

Commissioner Cook thanked staff for their work and clarification of the proposed update.

Chuen Ng informed the Commission that the next Housing Element is due to HCD in October 2013.

There were none in the audience who wished to speak in opposition to the report. Public hearing closed at 6:33 p.m.

It was moved by Commissioner Terracciano and seconded by Vice Chairman Hall to adopt Resolution No. 13-01 recommending to the City Council approval of a comprehensive update to the City's Residential zoning ordinance in Title 17, Chapter 8 of the Lancaster Municipal Code (Exhibit "A") and other zoning code amendments for implementation of Housing Element specific actions. Motion carried with the following vote (5-0-0-2):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Malhi and Smith.

Brian Ludicke stated the Residential Zones Update is tentatively scheduled to be presented before the City Council at their February 26, 2013, meeting.

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**DIRECTOR'S ANNOUNCEMENTS**

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None.

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**COMMISSION AGENDA**

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Chairman Vose thanked everyone for their concern and good wishes while he was ill.

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

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None.

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**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 6:35 p.m., to the Special Meeting for Agenda Review on Monday, February 11, 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