

ORDINANCE NO. 987

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING THE CITY ZONING PLAN FOR 20± ACRES LOCATED AT THE SOUTHWEST CORNER OF LANCASTER BOULEVARD AND 40TH STREET EAST KNOWN AS ZONE CHANGE NO. 12-03

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Sunlight Partners, LLC, to change the zoning designation on 20.00± acres of land located at the southwest corner of Lancaster Boulevard and 40th Street East 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

WHEREAS, notice of intention to consider the zone change of the subject property was given as required in Section 17.24.110. of the Municipal Code and Section 65854 and 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended that the zone change request be approved; and

WHEREAS, public hearings on the zone change request were held before the Planning Commission on December 17, 2012; and

WHEREAS, the Planning Commission reviewed and approved the Initial Study/Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, the Planning Commission adopted the mitigation measures contained in Exhibit "A"; and

WHEREAS, the City Council hereby makes the following findings in support of the Ordinance:

1. The proposed Zone Change from R-7,000 to RR-2.5 will be consistent with the proposed General Plan land use designation of NU requested by the applicant.
2. Modified conditions including a change in the site's General Plan use designation to provide for a suitable alternative energy site, warrant a revision in the zoning for the subject property which would allow the development of a photovoltaic electric generating facility.
3. A need for the proposed zone classification of RR-2.5 exists within such area in order to allow for the development of a larger scale solar energy development. Property

zoned as RR-2.5 exists in the area; however, it is in smaller parcels with different owners making it difficult to develop with a solar energy project of this scale.

4. The particular property under consideration is a proper location for said zone classification within such area, because it is surrounded by similar zoning and is served by adequate public access and necessary services.
5. Placement of the proposed RR-2.5 residential zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, access, and electrical infrastructure exist to accommodate the proposed type of development, and the zoning designation will not result in the development of incompatible uses.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That the subject property is reclassified from R-7,000 to RR-2.5.

Section 2. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 26th day of February, 2013, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 987, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of the _____, _____.

(seal)

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
BIOLOGICAL RESOURCES							
1.	A pre-construction burrowing owl survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. If burrowing owls or sign thereof are discovered during the survey, the applicant shall contact the Department of Fish and Game to determine the appropriate mitigation/management requirements for the species.	Prior to vegetation removal, grubbing, grading, stockpile, or construction, the City must receive a report from a biologist advising that the site is free of burrowing owls.	Prior to final approval of grading plan, issuance of a stockpile permit, or any ground disturbing activities.	Planning Department responsible for reviewing report.			
GEOLOGY AND SOILS							
2.	A Dust Control Plan in accordance with Antelope Valley Air Quality Management District (AVAQMD) Rule 403 shall be submitted prior to the start of grading/construction activities.	Prior to vegetation removal, grubbing, grading, stockpile, or construction, the City must receive a copy of the Dust Control Plan.	Prior to final approval of grading plan, issuance of a stockpile permit, or any ground disturbing activities.	Planning Department/ Engineering responsible for reviewing report.			
NOISE							
3.	Construction operations shall not occur between 8 p.m. and 7 a.m. on weekdays or Saturday or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.	During construction	Field inspection	Building and Safety			
4.	The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.	During construction	Field inspection	Building and Safety			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
5.	Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.	During construction	Field inspection	Building and Safety			
6.	Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.	During construction	Field inspection	Building and Safety			
7.	The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.	During construction	Field inspection	Building and Safety			
8.	No project-related public address or music system shall be audible at any adjacent receptor.	During construction	Field inspection	Building and Safety			
9.	All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating conditions that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.	During construction	Field inspection	Building and Safety			