

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION August 19, 2013

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### CALL TO ORDER

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

### INVOCATION

Vice Chairman Hall.

### PLEDGE OF ALLEGIANCE

Commissioner Terracciano.

### ROLL CALL

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

Absent: Commissioner Malhi.

Chairman Vose excused the absence of Commissioner Malhi. Seventh Commissioner's seat vacant; Sandy Smith resigned effective July 1, 2013.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Associate Planner (Chuen Ng), Environmental Planner (Jocelyn Swain), City Engineer (Michelle Cantrell), Assistant Planner (Chris Aune), Recording Secretary (Joy Reyes), and an audience of 10 people.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Vice Chairman Hall and seconded by Commissioner Cook to approve the Minutes from the Regular Meeting of July 15, 2013; Commissioner Harvey abstained, as she was absent from this meeting. Motion carried with the following vote (4-0-1-1):

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

NOES: None.

ABSTAIN: Commissioner Harvey.

ABSENT: Commissioner Malhi.

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**CONTINUED PUBLIC HEARINGS**

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**2. GENERAL PLAN AMENDMENT NO. 13-01, ZONE CHANGE NO. 13-01, CONDITIONAL USE PERMIT NO. 13-05**

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Chairman Vose opened the continued public hearing at 6:05 p.m., to hear request by Psomas (PsomasFMG, U.S. Topco, and Morgan Solar), to (1) amend General Plan land use designation for the subject property from O (Open Space) to NU (Non-Urban Residential); (2) rezone subject property from PK (Park) and RR-1 (Rural Residential, minimum lot size 1 acre) to RR-2.5 (Rural Residential, minimum lot size 2.5 acres); and (3) construct three photovoltaic solar electric generating facilities in the RR-2.5 Zone for a total of 13.3 megawatts (MW), located on 92.7± gross acres generally bounded by Avenue K-8, Avenue L, 20<sup>th</sup> Street East and 30<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. The staff report was presented by Jocelyn Swain.

Chairman Vose referenced to comments received from the union attorney, and acknowledged responses to comments by Jocelyn Swain. Commissioner Cook complimented Jocelyn Swain for her diligence and professionalism in the responses. Vice Chairman Hall added that the process and responses were enlightening.

Chairman Vose asked for clarification on the hours allowed for construction. Jocelyn Swain informed that the hours allowed for construction are from 7:00 a.m. to 8:00 p.m., Monday through Saturday; there is no construction from 8:00 p.m. to 7:00 a.m., Monday through Saturday, and no construction on Sundays and holidays. Chairman Vose commented that Psomas was the only company noted to have an agreement with SCE; Jocelyn Swain confirmed. He raised the issue and his concern for potential fugitive dust issues, specifically near the soccer center. Jocelyn Swain stated that even when there is no construction occurring, the developer is required to control dust.

Chairman Vose clarified that Code Enforcement does not work on the weekends unless specifically assigned; Brian Ludicke affirmed. He stated if there were issues involved concerning dust control, the City has no staff to evaluate the problem during the weekend. Jocelyn Swain responded that the sign required to be posted on the fence, in accordance with the Antelope Valley Air Quality Management District (AQMD) Rule 403, mandates that the developer has a contact person's information, along with a 24-hour phone number. She also informed of a previous dust blowing incident after hours near 40<sup>th</sup> Street East and Lancaster Boulevard; the City was contacted by the AQMD, staff contacted the developer, and the problem was resolved. Chairman Vose expressed it was his concern that the responses were being handled properly; and in conclusion he affirmed.

Vice Chairman Hall referenced to the hours of operation, and stated he would limit construction overtime hours for any group of developers, but did not want to hinder the developer from project growth.

Commissioner Harvey inquired if there was a process in place when there is a dust control problem, other than the signage the developer has posted. Jocelyn Swain referred to Rule 403, and stated that while the developers are onsite, they are required to control dust with chemical soil stabilizer or water; they are also required to have a process in place to manage dust control while offsite. When construction is completed, the process is in the dust control plan that the AQMD has to approve.

Vice Chairman Hall asked Jocelyn Swain to expound on stabilized soil, its importance and cost, and the request by AQMD for some type of spray that would seal the soil. Jocelyn Swain stated that AQMD is seeking numerous measures to sum a series of conditions that developers would have to comply with to control the dust problem. A stabilized surface is something that does not produce dust when water flows or wind blows across; a chemical binder to form a crust can be used; water is typically used during construction to control loose particles; installing vegetation under the panels has been discussed, such as bermuda grass; other options are pea gravel and mulch. Developer must prepare a plan to stabilize the site during construction or operation. Vice Chairman Hall inquired whether the City has a list of ways to stabilize the soil to ensure that it is done. Jocelyn Swain responded that the City does not have a list; the AQMD and Antelope Valley Resource Conservation District are investigating the information.

Chairman Vose commented that the AQMD reports that vegetation in the Antelope Valley area is extremely difficult to achieve, even with supplemental irrigation; ironic that developers are being required to use vegetation as an option for dust mitigation.

Speaker Eva Kovacs requested for response to comments she had submitted. Jocelyn Swain stated that the responses to all comments were point-to-point and posted on the City's website. Vice Chairman Hall inquired concerning the property value issue; Jocelyn Swain stated that Ms. Kovac's property is zoned I (Industrial); the project is currently zoned P (Park) and RR-1 (Rural Residential) and would be changed to RR-2.5; property values are an economic impact, not an environmental impact, and are, therefore, not evaluated under the California Environmental Quality Act (CEQA).

Applicants were present and available for questions. Vice Chairman Hall stated he wanted to hear about the grading plans. Jocelyn Swain stated that representatives from Psomas were present, but their portion of the project is flat land, and added that Psomas has a purchase agreement with Southern California Edison (SCE). It is uncertain how Topco or Morgan Solar is grading their portion of the property. Chairman Vose inquired if Topco has a power purchase agreement; Jocelyn Swain stated that Topco does not have a power purchase agreement with SCE, and cannot tie into the grid. Chairman Vose commented that until those issues are resolved, the project cannot go forward; Jocelyn Swain affirmed.

Chairman Vose referred to the zoning of the project area as RR-1 (Rural Residential 1), and the recommendation is to change to RR-2.5, which lowers the density substantially. Jocelyn Swain affirmed, and stated the application was filed prior to the adoption of the Residential Zoning Update. In the update, staff revised the requirements so that solar facilities can only be located in the RR-2.5 zone.

Public hearing closed at 6:33 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to adopt Resolution No. 13-08 recommending to the City Council approval of General Plan Amendment No. 13-01 and Zone Change No. 13-01 on the subject property. Motion carried with the following vote (5-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

It was moved by Commissioner Harvey and seconded by Commissioner Terracciano to adopt Resolution No. 13-09 approving Conditional Use Permit No. 13-05. The approval of Conditional Use Permit No. 13-05 is not valid until the effective date of General Plan Amendment No. 13-01 and Zone Change No. 13-01. Motion carried with the following vote (5-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

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### **NEW PUBLIC HEARINGS**

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#### **3. CONDITIONAL USE PERMIT NO. 13-08**

Chairman Vose opened the public hearing at 6:35 p.m., to hear request by Julianni's Italian Ristorante, to allow on-sale beer and wine (Alcohol Beverage Control License Type 41) and live entertainment at Julianni's Italian Ristorante, in the CPD (Commercial Planned Development) Zone, located at 44960 Valley Central Way, Suite 103.

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.

Commissioner Terracciano stated he had walked into the facility and observed that there are two additional restrooms inside the facility that are not on the revised floor plan. Chairman Vose then clarified the discussion concerning the floor plan during the public meeting for agenda review with staff.

Public hearing closed at 6:38 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Harvey to adopt Resolution No. 13-12 approving Conditional Use Permit No. 13-08. Motion carried with the following vote (5-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

#### **4. TENTATIVE PARCEL MAP NO. 72266**

Chairman Vose opened the public hearing at 6:39 p.m. to hear a request by Dennis Pursley, to subdivide four residential lots in the RR-1 Zone, on 5± gross acres located at the northeast corner of 26th Street West and Avenue L-8.

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.

Chairman Vose inquired about the dead end on 26<sup>th</sup> Street West, and how the conditions being recommended will impact a vehicle's ability to turn around; the condition states a 4-foot-high masonry wall has to be installed at the end of improved 26<sup>th</sup> Street West. Michelle Cantrell affirmed, and stated the temporary wall is built at the end of the street as a standard procedure for all tract maps to prevent people from accessing undeveloped private property to the north. She explained that in reference to being able to turn around, according to the Fire Department, as long as a street is a certain width and length, the fire truck can back in or out, and turn around.

Chairman Vose inquired about the proposed detention basins outlined on the project map. Michelle Cantrell stated the applicant is showing three future basins; property draining in northerly direction, possibly proposing for the runoff. Chairman Vose stated it is identified on the map but not as a required condition, and found it unique that one-acre subdivisions have proposed onsite detention basins in a residential area; he could not recall seeing one in the community. Michelle Cantrell stated that additional basins are not normally required because of the size of the lot and the amount of area that is being developed; drainage can generally be handled on site.

Applicant's engineer, Barry Munz of Antelope Valley Engineering, explained the concept for the basins stating that because the lots are larger, it would be necessary to import three to four feet of fill to drain them into the street instead; the front or pad area of the lots drained to the street; the rear yards of the pads would remain a small sump that would maintain drainage in the back yards to prevent cross-lot drainage. To avoid any issues, it is not intended for any drainage to drain from one lot to a neighboring lot. Chairman Vose stated the developed queue runs across the lot from the south to the north, and inquired if the queue is capturing on the first lot, or just transferring through. Barry Munz stated the offsite drainage that this would impact will be collected by the street drains at Avenue L-8, and run down 26<sup>th</sup> Street West to the north. Drainage from the undeveloped portion of each lot will be maintained within each lot by the small basins. Chairman Vose stated the meandering sidewalk developments on Avenue L-8, and rural residential street pattern on 26<sup>th</sup> Street West going north are similar to the west side of the street; Barry Munz affirmed and stated the plan is to match the same treatment on both sides of the street. Avenue L-8 will intercept the drainage and route it to the north on 26<sup>th</sup> Street West. Upon development, the lots are designed to maintain each of its own drainage.

Chairman Vose confirmed that applicant engineer agreed with revisions of the conditions. Barry Munz responded that the revised conditions were accepted and understood. Chairman Vose commented the lot configurations were different. Barry Munz affirmed and added that various ways were considered; Avenue L-8 was chosen for the frontage landscape.

Public hearing closed at 6:49 p.m.

It was moved by Vice Chairman Hall and seconded by Commissioner Harvey to adopt Resolution No. 13-13 approving Tentative Parcel Map No. 72266. Motion carried with the following vote (5-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

## **5. HOUSING ELEMENT**

Chairman Vose opened the public hearing at 6:50 p.m. to hear a request by the City of Lancaster to update the Lancaster General Plan Housing Element to address housing needs for planning period January 1, 2014, to September 30, 2021 (5<sup>th</sup> cycle), located City-wide.

The staff requested a 30-day continuance to the September 16, 2013, Planning Commission Meeting. There were none in the audience who wished to speak in opposition to the request. Public Hearing remained open for continuance.

It was moved by Commissioner Terracciano and seconded by Commissioner Cook to grant a 30-day continuance to the September 16, 2013, Planning Commission Meeting. Motion carried with the following vote (5-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Malhi.

## **DIRECTOR'S ANNOUNCEMENTS**

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Brian Ludicke announced that the Housing Element Workshop will be held on Tuesday, August 20, 2013, at 6:00 p.m., in the Planning Conference Room.

## **COMMISSION AGENDA**

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Chairman Vose shared about the AV Fair and special events occurring on the same evening.

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

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None.

**ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 6:53 p.m., to the Special Meeting for Agenda Review on Monday, September 9, 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