

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION September 16, 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 Cook.

### ROLL CALL

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

Absent: None.

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), Recording Secretary (Joy Reyes), and an audience of 15 people.

### PRESENTATION

#### **The BLVD Temporary Sign Guidelines Update (PowerPoint/Handout)**

Presenters: Randie Davis and Chenin Dow

Commissioner Terracciano complimented the presenters for subject matter being investigated thoroughly (well thought out).

Commissioner Harvey inquired if the signs applied to any business on The BLVD, or to specific restaurants. Randie Davis, Assistant Planner, stated the signs applied to all businesses on

The BLVD, as well as businesses located in both the Downtown Specific Plan, and the PBID (Property Based Improvement District) area.

Vice Chairman Hall asked for clarification on the PBID. Chenin Dow, Projects Assistant, and representative of the Downtown Boulevard Association and Downtown Business & Permit District, stated the Association recently completed a PBID formation process in which the property owners of The BLVD decided to create a new revenue source for needed services in the Downtown Lancaster area; for example, maintenance, signage, promotions, and advertising. Vice Chairman Hall inquired as to why there were temporary sign guidelines. Randie Davis responded that the signs are not permanent, are only allowed to be in public right-of-way during business hours, are not affixed to the ground, and have to be brought in at the end of the day; whereas monument or wall signs are considered permanent signs. Vice Chairman Hall concluded, therefore, temporary sign guidelines that are permanent for The BLVD. Randie Davis affirmed.

In reference to the temporary signage imposed on the BLVD merchants, Chairman Vose commented how this would impact businesses in other parts of the community, and how staff would handle these cases. Randie Davis responded it would have to be reviewed on a case-by-case basis. Chairman Vose inquired if there was a fee for a temporary signage permit; Randie Davis stated there was no fee; staff ensures that the applicant's signage is in accordance with the temporary signage guidelines.

Commissioner Malhi inquired about the 90 day temporary signage; Randie Davis stated the 90-day temporary signage refers to businesses with grand openings with a permit, and a fee is required.

Commissioner Harvey inquired if there were other "do's or don'ts" for specificity of signage when it comes to the aestheticism of the business sign. Randie Davis stated that the Association was in agreement with the signage and wanted to prevent a cluttered look. Commissioner Harvey inquired if the Association was in total agreement; Randie Davis affirmed.

Chairman Vose commented on the pathways of the sidewalks on The BLVD, in that some are possibly less than six feet wide; Randie Davis affirmed and stated those businesses may not be allowed to have "A" frame business signs.

### **Net Zero Solar Energy Program (PowerPoint/Handout)**

Presenters: Jocelyn Swain, Andrew Noga, and Heather Swan

Commissioner Harvey inquired concerning the annual savings of the street light conversion. Heather Swan stated the cost tariff would save approximately \$6 per pole; dependent on how funding for the acquisition will occur. Commissioner Harvey inquired if a baseline had been taken of street lights for a carbon footprint to see how many metric tons will yield in the future with reduction. Heather Swan stated a baseline had not been taken of a carbon footprint; staff would oblige if desired by the Commission. Commissioner Harvey responded that the answer was sufficient; her main interest was the carbon footprint to see how many metric tons will yield in the future. The initial acquisition would not change any physical aspect of the light; should the City endeavor to go with LED upgrades, or lower the amount of kilowatt hours energy used, there would be an offset that would be a part of the analysis.

Vice Chairman Hall inquired about the proposed gen-tie lines. Jocelyn Swain stated the lines in black are the corridors where developers will be allowed to run overhead lines through the City; everything else would be required to go underground. Vice Chairman Hall asked about the poles; Jocelyn Swain stated that the developer will place the poles in the existing city right-of-ways.

Vice Chairman Hall inquired as to the reason for the de-annexation of the northwest community. Jocelyn Swain stated the goal was to “square-off” the City’s boundaries. De-annexation also provides a buffer between proposed solar developers in the City and rural communities to the north.

Chairman Vose commented that there is no administrative or governmental power relative to annexation or de-annexation unless a certain percentage of the property owners within that boundary and local agency formation commissions agree. Jocelyn Swain affirmed and stated these are only proposals being presented.

Chairman Vose inquired of the acronyms LS1 and LS3. Heather Swan informed that LS1 is an unmetered account owned by Southern California Edison (primarily what the City has). Once the street lights are acquired, the City will be transitioning to LS. LS2B is an unmetered account also, but the City owns the light and photo cell on top, and is responsible for the maintenance of that light. LS3 means there is a meter. For the approximately 18,000 street lights the City is looking to acquire, it may not be feasible or reasonable to install meters, although LS3 offers the most cost savings. Chairman Vose inquired that if there is development on both sides of the thoroughfare that is generating more street lights than needed, whether the development standards would be addressed that will reduce the need for street lights in a proposed development. Heather Swan stated that she was not familiar with the development standards from that aspect, but would be willing to look at options, provided the options meet the safety standards. Chairman Vose stated that other jurisdictions nearby are requiring LS3s for new development as a conditional approval, which is an expensive front end cost that is opposed to LS1 or the alternative as presented (LS2B). Chairman Vose stated that Southern California Edison is not losing any money on street lights, and inquired as to what leverage does the City anticipate using to extract those 18,000 street lights from Edison. Heather Swan stated the City has had interest in acquiring street lights for several years, and Edison was not interested in releasing those assets; recently, Edison has been amenable to the transfer/sale of those assets, and have begun the process with the City and the Public Utility Commission (PUC) for the transaction to occur.

Chairman Vose inquired concerning the two square-miles, or approximately 2500 acres, that have been approved within the city limits; Jocelyn Swain stated the acres were solar facilities.

Chairman Vose commented there was no presentation concerning the east side of Lancaster. Jocelyn Swain affirmed and stated the current proposal was focused primarily on the west side as a solar region area or district. She explained that solar projects on the east side are not feasible due to the lack of transmission lines, or lack of capacities for substations. Chairman Vose inquired if the justification for undergrounding was aesthetic only. Jocelyn Swain affirmed. Chairman Vose inquired if there was a cost benefit analysis related to overhead vs. underground. Jocelyn Swain stated that there are several different sources; on average a mile overhead would be \$185,000, and a mile overhead underground would be approximately \$1.5 million. Chairman Vose commented, therefore, that the development community would be responsible for the funding, instead of by an agency. Jocelyn Swain affirmed and stated that the referenced solar facility lines that are not located

within one of the proposed corridors to connect to the substation would be required to be installed underground.

## **CONSENT CALENDAR**

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

It was moved by Vice Chairman Hall and seconded by Commissioner Terracciano to approve the Minutes from the Regular Meeting of August 19, 2013. Motion carried with the following vote (5-0-1-0):

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

NOES: None.

ABSTAIN: Commissioner Malhi.

ABSENT: None.

The Commission concurred to move Item No. 2 (Housing Element Update) after Item No. 5.

## **NEW PUBLIC HEARINGS**

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### **3. CONDITIONAL USE PERMIT NO. 11-03 (REQUEST FOR EXTENSION)**

Chairman Vose opened the public hearing at 6:48 p.m., to hear request for extension by Silverado Power, LLC, to construct a 10 megawatt (MW) photovoltaic solar generating facility in the Rural Residential 2.5 (RR-2.5) Zone, on 67± acres located at the southwest corner of Avenue H and 90<sup>th</sup> Street West.

Staff report was presented by Jocelyn Swain. Applicant representative, Garrett Bean, was present and acknowledged acceptance of all conditions, including two added. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:52 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to grant a one-year extension to September 19, 2014, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 11-15. Motion carried with the following vote (6-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

#### **4. CONDITIONAL USE PERMIT NO. 11-05 (REQUEST FOR EXTENSION)**

Chairman Vose opened the public hearing at 6:53 p.m., to hear request for extension by Silverado Power, LLC, to construct a 20 megawatt (MW) photovoltaic solar generating facility in the Rural Residential 2.5 (RR-2.5) Zone, on 80± gross acres located on the east side of 80<sup>th</sup> Street East between Avenue J-4 and Avenue J-8.

Staff report was presented by Jocelyn Swain; applicant representative was present and acknowledged acceptance of all conditions, including two added.

Vice Chairman Hall commented concerning the alkali mariposa lily fee of \$17,750 to protect the environment. Jocelyn Swain affirmed, and informed that the alkali mariposa lily fund is \$2405 per acre fee.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:55 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Cook to grant a one-year extension to September 19, 2014, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 11-16. Motion carried with the following vote (6-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

#### **5. CONDITIONAL USE PERMIT NO. 13-09**

Chairman Vose opened the public hearing at 6:57 p.m., to hear request by RKB Cafes, Inc., dba Camille's Sidewalk Cafe, to allow on-sale beer and wine (Alcohol Beverage Control License Type 41) at Camille's Sidewalk Cafe in the MU-C (Mixed Use-Commercial) Zone, located at 44140 20<sup>th</sup> Street West, Suite 101.

An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. Owners Bob Kefauver and Rosemary Mann came forward to introduce themselves and expanded on the type 41 license request. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:58 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Cook to adopt Resolution No. 13-15 approving Conditional Use Permit No. 13-09. Motion carried with the following vote (6-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

## **CONTINUED PUBLIC HEARINGS**

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### **2. HOUSING ELEMENT**

Chairman Vose opened the public hearing at 6:59 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 report and PowerPoint slides was presented by Chuen Ng. He concluded that the deadline to submit the Housing Element to the Department of Housing and Community Development (HCD) is October 2013; if deadline is not met the City would be penalized to provide an updated report every four (4) years instead of every eight (8) years.

Commissioner Harvey inquired as to who defines the "special needs" category; she noted the female head of household as an example. Chuen Ng stated that the female head of household refers to a single mom with kids, which statistically is often a household with low income level. Commissioner Harvey clarified that the category is more income based, NOT gender based; Chuen Ng affirmed. Chairman Vose commented the objective is to address the need of a protected class of people in the community. Chuen Ng affirmed and stated the City incorporates what is required by the State and Federal fair housing law, which has defined criteria for protected class.

Chairman Vose referred to the letter from HCD dated August 5, 2013, and stated that HCD does not use the same terminology as the basis upon which they evaluate the Housing Element. Chuen Ng stated the terminology defines further different evaluation ratings according to household incomes. Chairman Vose stated staff suggested there were two principal elements for the quantification of the homeless population in the community, which is larger than the previous adopted Housing Element. Chuen Ng stated the homeless counts are conducted by LAHSA (Los Angeles Housing Services Authority). There were counts for 2013 that were conducted earlier in the year. The report for the 2013 homeless count was released in late August; methodology between the 2011 count and the 2013 count are different, and that is why a high number is being reported for the 2013 count. The 2013 count includes people that may be homeless (not on the streets, but possibly living with relatives or friends); this is a more comprehensive approach. Staff is obligated to include the numbers reported from 2013 count in the Housing Element, especially for the Antelope Valley, specifically Lancaster, which were previously provided. Chairman Vose inquired if the developmentally disabled segment needed analysis. Chuen Ng stated the segment is new for the

fifth cycle. This is an analysis of people that are born with developmentally disabilities; because the numbers are not reported by the Census, they are difficult to track, and many of the people live in residential homes. Therefore, the only ways to obtain the numbers are to contact the local or State Department of Developmentally Disabled Services, and inquire the number of clients that have been served.

Chairman Hall shared concerns of released prisoners not in a protected class according to the HCD or the federal guidelines; he opined the released prisoners would be a problem. He pointed out that the Housing Element states “those that are in institutions”, but does not specify or define what type of institutions. He inquired if the subject matter would be addressed in the fifth cycle or the sixth cycle. Chuen Ng responded that “institutions” refer to the prisons and is a major concern. Staff has to ensure that the policies and procedures requested meet Federal and State Laws.

Vice Chairman Hall also inquired concerning the process of the Director’s Review. Chuen Ng stated that in the fourth cycle of the Housing Element, Senate Bill 2 (SB2) required the City to adopt a zone in which emergency shelters may be permitted without a conditional use permit. Therefore, staff identified the light industrial (LI) zone as that zone to be permitted as a Director’s Review Application; this process is not used in every city. The Director’s Review Application for the City of Lancaster is processed and approved at staff level; a Director’s Review (DR) would be processed for individuals applying for an emergency shelter in the LI zone, and does not require a public hearing.

Vice Chairman requested clarification on the cost of impact fees for a single family home, and the impact on the community or the individual that has to pay. Chuen Ng stated that the impact would be for both on the community and individual in that most of the analysis impact is on the builder’s ability to make a profit and build. Chairman Vose interjected that the direct impact is on the ultimate user of the housing. Chuen Ng affirmed, and stated it is discussed in the context of the fees as a constraint to development; fees are collected to enable the City to provide services and infrastructure. There are comparisons of fees with the Palmdale; Lancaster appears more competitive than adjacent jurisdictions. He added that the City has an incentive program for the local residential builders in the community.

Chairman Vose shared discussion of past Housing Element issues and inquired about the October deadline date; Chuen Ng responded that the date would be October 31, 2013, and 120 days after that date would be the “punishment” deadline (the City would be penalized to provide an updated report every four (4) years instead of every eight (8) years).

Chairman Vose inquired about the elimination of the Redevelopment Agency as to whether some other program replaced the Agency. Chuen Ng stated the City has the Lancaster Housing Authority and it functions differently; with the lack of redevelopment funds there is an impact on housing, not just for the jurisdiction of Lancaster, but all jurisdictions within the State of California.

Chairman Vose referred to Table C-9 of the Housing Element, and inquired if it would be important to list the current number of employees. Chuen Ng affirmed, and responded that if the latest data is available, he would update the numbers.

Chairman Vose referred to page HE-D-3 and inquired if HCD is satisfied with the with the City’s reasonable accommodations for the last update. Chuen Ng stated that he has not received any further corrections on that subject matter; HCD was satisfied with the report.

Chairman Vose referred to page HE-F-4 and inquired on the source for the data of recorded single family lots. Chuen Ng stated he compiled the data information on Table F-2 by verifying building permits of every single tract as of April 2013. Chairman Vose stated that in sections of the Housing Element (HE), staff refers to accommodating low income housing; however, HCD requests justification of the 30 units per acre. He further stated the HE states in practice the most yield is 28 units per acre, but density bonus is not mentioned in the same section, and inquired if there would be inconsistency. Chuen Ng stated that in the prior HE draft, the medium density residential (MDR) zone was identified as sites that could be used for low income housing at 15 units per acre. The MDR zone was not an acceptable zone by HCD for low income housing, even though the data shows that the apartments that are built in MDR zones are just as affordable for low income housing. HCD has a certain criteria for density, whereby 30 units per acre means low income; 15 units per acre does not mean low income. Therefore, staff resorted to mixed use (MU) zones, sites in the Downtown area, and whatever justification that would satisfy the requirements of HCD; even if what happens on the ground already meets that justification.

Chairman Vose referred to page HE-F-29 regarding the Antelope Valley State Water Project (third bullet point), and inquired if it should read "Lancaster" not "Palmdale". Chuen Ng affirmed it should read Lancaster.

Chairman Vose referred to Table G-3 regarding the water district fees and school fees, and wants to make sure the amounts are accurate. Chuen Ng stated he has not included the update information in the current Draft; will update amounts. Chairman Vose inquired if the group homes and business license procedures were the same; Chuen Ng stated the fourth cycle HE was not certified by HCD, and one outstanding issue was the group home and business license procedure that HCD found to be a constraint to persons with disabilities. Chairman Vose inquired as to how the procedures were justified to HCD; Chuen Ng responded that the procedures are in the current HE. Chairman Vose inquired if there were any issues concerning discrimination in regards to obtaining business licenses. Chuen Ng stated he was aware of the Department of Housing and Urban Development (HUD) investigation of the City; Staff had a discussion with HCD staff regarding said issue which may be included in the fifth cycle. HUD asked the City concerning the status of HCD's investigation into staff's practices; to date, staff has not received a response.

Chairman Vose referred to Tables H-1, H-2, and H-3, regarding quantified objectives; discussed how the justifications meet the requirements; he could not find the calculations for the 627 total in Table H-1. Chuen Ng stated it is very difficult to project the 627 total unless, for example, a developer wants to build 627 affordable units. Chairman Vose stated if the Commission recommends adoption by the City Council then the Housing Authority has the obligation to implement. Chuen Ng stated the City is required to show that the sites are property of the City, or Mixed Use, or Downtown Sites that can accommodate 627 units. He explained that HCD wants to know what is anticipated for the future, and the list states what may be built.

Chairman Vose referred to page HE-I-8, policy 6.1.4(d) and pointed out that the responsibility reads "Redevelopment Agency", and should read "Housing Authority". Chuen Ng affirmed. Chairman Vose noted that the Planning Department has responsibility in various specific actions, and inquired if the Planning Commission had any responsibilities in the same matters. Chuen Ng stated the Planning Commission would be involved in all public hearing matters. Chairman Vose referred to policy 6.1.6 and stated that the specific actions only address the moderate income. Chuen Ng stated the anticipation of what may be built falls within that category. In conclusion, Chairman Vose



referred to policy 8.1.2(a) regarding homeless shelters being operated by “Catholic Charities of LA” should be “Grace Resources”. Chuen Ng affirmed.

There were none in the audience who wished to speak in opposition to the request. Public Hearing closed at 7:50 p.m.

In discussion concerning the changes to the Housing Element, the Commissioners inquired about the process and due date being in October, with final due date in February 2014. Brian Ludicke stated that staff is working on the latest updated numbers for the homeless and persons with developmental disabilities. The numbers will not change the policy approach that is in place; it may signal to the City Council or members of the public that there is a greater need than what was specified. However, the draft policies and programs in the housing element are how the City will approach those particular issues, whether there are issues concerning the homeless or developmentally disabled. He opined that there would not be a shift to the overall policies or programs of the element itself. It may, however, result in changes in funding priorities or other things from the Council as the decision maker, or staff in a general sense looking for certain kinds of grant opportunities. He stated from that standpoint the Commission could send the Housing Element forward with the expectation that staff would not take it to the Council until staff has made a due diligence effort to obtain the latest numbers and ensure updated changes are complete prior to taking this item to the City Council. If the Commission is not comfortable with moving forward until the numbers are obtained, staff hopes to have the numbers in place by the October 14th special meeting so the Council could consider the matter at the October 22<sup>nd</sup> meeting; he expressed that waiting until the November meeting is a concern because the Council only meets once during the months of November and December. Therefore, staff would like to process this item to the City Council in a timely manner.

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to adopt Resolution No. 13-14, recommending to the City Council approval of an update of the General Plan Housing Element, pending changes to the Housing Element that shall be reviewed by the Planning Commission at Special Meeting on October 14, 2013. Motion carried with the following vote (6-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

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## **DIRECTOR'S ANNOUNCEMENTS**

Brain Ludicke announced that the City was recipient of the HEAL grant, which will be used to develop a city-wide Safe Routes To School (SRTS) Master Plan for 29 public schools. Staff has previously conducted six walk audits, and will complete walk audits at the remaining schools in Lancaster during the next couple of years.

Brian Ludicke reminded the Commissioners of the information previously sent regarding the Planning Commission Academy in the Spring of 2014, to be held near the San Francisco Airport area.

## **COMMISSION AGENDA**

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Chairman Vose recommended to reschedule the meetings of January and February 2014, to January 21 and February 18 or 24, respectively due to the Martin Luther King, Jr., and President's Day holidays; and the Agenda Review Special Meeting of November 11, 2013 (Veteran's Day Holiday), to be rescheduled to November 4 or 12. Staff will inform the Commission of the final dates once availability of the Council Chambers is confirmed.

## **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 8:08 p.m., to the Special Meeting for Agenda Review on Monday, October 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