

# **DRAFT MINUTES**

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## **REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION**

**July 20, 2015**

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### **CALL TO ORDER**

Chairman Vose called the regular meeting to order at 6:02 p.m.

### **INVOCATION**

Vice Chair Hall.

### **PLEDGE OF ALLEGIANCE**

Commissioner Harvey.

### **ROLL CALL**

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

Absent: Commissioner Cook.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), Chief Building Official (Warren Bennett), Associate Planner (Chuen Ng), Associate Planner-Environmental (Jocelyn Swain), and Recording Secretary (Joy Reyes). There were approximately 32 people in the audience.

### **CONSENT CALENDAR**

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

It was moved by Vice Chair Hall and seconded by Commissioner Malhi to approve the Minutes from the Regular Meeting of June 22, 2015. Motion for the Regular Meeting carried with the following vote (5-0-1-0-1):

AYES: Coronado, Malhi, Terracciano, Hall, and Vose.  
NOES: None.  
ABSTAIN: Harvey.  
RECUSED: None.  
ABSENT: Cook.

## **NEW PUBLIC HEARING**

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### **2. GENERAL PLAN AMENDMENT NO. 14-02, ZONE CHANGE NO. 14-02, CONDITIONAL USE PERMIT NOS. 14-10a, 14-10b, 14-10c, 14-10d, 14-10e**

Chairman Vose opened the discussion at 6:07 p.m., to hear a request by Sustainable Power (sPower) Group, LLC, to: (1) amend the General Plan land use designation for the subject properties from NU (Non-Urban Residential), UR (Urban Residential), and C (Commercial) to NU; (2) rezone subject properties from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) and SP (Specific Plan) to RR-2.5; and (3) construct a 150-megawatt (MW) photovoltaic solar generating facility in the RR-2.5 Zone; located on approximately 1,191± gross acres generally bounded by Avenue K, 80th Street West, 105th Street West, and the California Aqueduct. Chairman Vose stated there were support letters received from various agencies.

The staff report was presented by Jocelyn Swain. An uncontested hearing letter was received from the applicant indicating agreement to the conditions of approval as stated in the staff report. Applicants were present for any questions.

Commissioners inquired if the proposed solar project was the largest project proposed in the area, and if there had been any support letters received from the residents. Jocelyn Swain stated the solar project was the largest in Lancaster but not in the Antelope Valley, and there were no support letters received from the residents.

Applicant representative Garrett Bean emphasized that the project is the largest in Lancaster and has minimized all biological impacts in the project area. He stated there has been communication and involvement with the local residents and schools of the project area.

Discussion and inquiries of Commissioners to Garrett Bean included:

- Time frame of project - 1-1.5 years
- Service to how many homes - power up 45,000 homes in Antelope Valley and the Los Angeles basin
- Contact for information to schools - outreach through Green Energy school programs
- Decommissioning process (goal to be a good project partner to Lancaster)
- Project Employment – 250 employees on site for approximately 18 months (source local contractors/IBEW/NECA LMCC, Veterans, training)
- sPower Projects exclusively on private property
- Community involvement – participate in several community activities
- Other projects - 20-megawatt project, adjacent to the Del Sur school

Chairman Vose inquired of the time (life) for the project if approved. Brian Ludicke stated that the conditional use permit approval runs in perpetuity with the land, not with the applicant.

There were nine speaker cards.

Speaker Debbie Lourito, president of Del Sur PTSA (Parent, Teacher, Student Association). PTSA has worked with sPower who has been very supportive and generous. She stated that sPower stepped up to the plate in the PTSA's fund raising project to purchase a marquee sign (presently on order) for the school.

Speaker Kathryn MacLaren, IBEW/NECA LMCC representative stated that they have very good partnership with sPower. The agency works with and employs veterans, they host local events to serve this area; they have over 350 local workers; and are training workers to keep up with current technology and infrastructure.

Chairman Vose asked Kathryn MacLaren to comment on the apprenticeship program specifically for the trade.

Kathryn MacLaren responded that there is no money out of pocket for individual membership of the apprenticeship trade which provides indoor/outdoor wiremen, training for transportation, sound, and communication. Contractors are along with IBEW work together in the field, if workers are interested in pursuing a career they may do so through the IBEW.

Speakers in opposition:

Speaker Patricia Stephen, resident between 70<sup>th</sup> Street West and 90<sup>th</sup> Street West, expressed her concerns on the effect of property values, residents and birds being affected by solar, and water resources. In Antelope Acres, residents have wells, and her well goes down 450 feet; oleanders can be deadly to horses.

Speaker Terry Hodgkins, owner of local jeweler, voiced his concerns on the property value decline, valley fever issue, "black hole" / blackness (referring to the view of the hills), and his home being surrounded by solar fields.

Speaker Lance Hiller, land surveyor shared the negative impacts on land and value, decommissioning, blight for potential residential developers, weeds, a problem with food chain, hawks, and rabbits.

Speaker Joseph Yore, a veteran, voiced his concerns on the water use, destruction of the desert, valley fever, and dust.

Speaker Frank Serafine, owner/operator of agricultural farm commented on the county banning solar and wind farms; inquired why the city is not pursuing the same. The project is adjacent to aqueduct, taking away agricultural land. Solar power is going obsolete in 10 years; crushing poppy preserves; big corporations stepping in for profit, no benefits for residents.

Speaker Theresa Skinner, operates a ministry located on Avenue J and 90th Street West; voiced her concern on the property value lost and valley fever.

Speaker Kevin Simpson, a local property owner on the west side addresses the Commission on the need for power and the moving target of technology. He is in favor of use of technology, green zones, space, and less density area.

Lengthy discussion of Commissioners and Jocelyn Swain reviewing comments received from agencies:

- Property values; not included in the environment report (consideration by the commissioners)
- Cooling, lighting, dirt, dust, noise, road condition (construction requirements during high winds/temperature); dust control plans
- County jurisdiction and regulations (city projects)
- Mitigation measure (birds, buffer zones, biological impact fee)
- Water usage
- Solar power benefits (LCE for total/partial renewable energy)
- Decommissioning (bonds, value, determination, requirements, policies, common law)

Public hearing closed at 7:39 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Malhi to adopt Resolution No. 15-12 certifying the Final Environmental Impact Report (EIR), adopting the necessary environmental findings, and recommending to the City Council approval of an amendment to the adopted General Plan of the City and an amendment to the adopted Zoning Plan for the City, known as General Plan Amendment No. 14-02 and Zone Change No. 14-02. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Cook.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to adopt Resolution No. 15-13 approving Conditional Use Permit No. 14-10a. The approval of Conditional Use Permit No. 14-10a is not valid until the effective date of General Plan Amendment No. 14-02 and Zone Change No. 14-02, with added Condition No. 17 for decommissioning. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Cook.

It was moved by Vice Chair Hall and seconded by Commissioner Malhi to adopt Resolution No. 15-14 approving Conditional Use Permit No. 14-10b. The approval of Conditional Use Permit No. 14-10b is not valid until the effective date of General Plan Amendment No. 14-02 and Zone Change No. 14-02, with added Condition No. 17 for decommissioning. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.

NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: Cook.

It was moved by Vice Chair Hall and seconded by Commissioner Malhi to adopt Resolution No. 15-15 approving Conditional Use Permit No. 14-10c. The approval of Conditional Use Permit No. 14-10c is not valid until the effective date of General Plan Amendment No. 14-02 and Zone Change No. 14-02, with added Condition No. 17 for decommissioning. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: Cook.

It was moved by Vice Chair Hall and seconded by Commissioner Terracciano to adopt Resolution No. 15-16 approving Conditional Use Permit No. 14-10d. The approval of Conditional Use Permit No. 14-10d is not valid until the effective date of General Plan Amendment No. 14-02 and Zone Change No. 14-02, with added Condition No. 17 for decommissioning. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: Cook.

It was moved by Vice Chair Hall and seconded by Commissioner Malhi to adopt Resolution No. 15-17 approving Conditional Use Permit No. 14-10e. The approval of Conditional Use Permit No. 14-10e is not valid until the effective date of General Plan Amendment No. 14-02 and Zone Change No. 14-02, with added Condition No. 17 for decommissioning. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: Cook.

## RECESS

Chairman Vose recessed the regular meeting at 7:46 p.m.

## RECONVENE

Chairman Vose reconvened the regular meeting at 7:58 p.m.

### 3. **MAP EXTENSIONS**

#### a. **Tentative Tract Map No. 60885**

Chairman Vose opened the public meeting at 7:58 p.m., to hear a request for extension by Royal Investors Group, LLC, to subdivide 49 single family lots in the R-7,000 Zone, located on 12.51± gross acres at the west side of 60<sup>th</sup> Street West approximately 290 feet south of Avenue J-8.

The staff report was presented by Chuen Ng. He commented that the revised conditions reflect current city requirements for walkability and accessibility. A contested hearing letter was received from the applicant contesting the conditions of approval as stated in the staff report.

There were two speaker cards: Applicant Kris Pinero, Royal Investors and homeowner Kevin Simpson.

Applicant Kris Pinero spoke more in depth on the concerns of the conditions that staff is proposing, including adjacent map in Item 3.c.

Speaker Kevin Simpson expressed his concerns on density, traffic congestion, and privatization of street, privacy of existing residential; create barrier; provide green zone; privacy screen via awning; 6-foot walls and plants.

Commissioner Harvey clarified that the requested map was adjacent to the map in Item 3.c. below, to be continued to the August meeting.

It was moved by Chairman Vose and seconded by Commissioner Terracciano to continue Items 3.a. and 3.c., to the August 17, 2015, regular meeting. Motion carried with the following vote (6-0-0-0-1):

AYES:	Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.
NOES:	None.
ABSTAIN:	None.
RECUSED:	None.
ABSENT:	Cook.

#### b. **Tentative Tract Map No. 61574**

Request for extension by United Engineering Group, to subdivide 45 single family lots in the R-10,000 Zone, located on 26.6± gross acres at the southwest corner of Avenue K and 30<sup>th</sup> Street East.

The staff report was presented by Chuen Ng. A request for extension is being recommended for denial on the lack of findings contained in the staff report.

Speaker Beau Cooper, United Engineering and representative for property owner, was in agreement to extending the public hearing to August, and requested to meet with staff to consider updated conditions and guidelines.

It was moved by Commissioner Malhi and seconded by Commissioner Terracciano to continue to the August 17, 2015, regular meeting. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Cook.

**c. Tentative Tract Map No. 61734 [see motion for Item 3.a.]**

Request for extension by Royal Investors Group, LLC, to subdivide 19 single family lots in the R-7,000 Zone, located on 5± gross acres at 663 feet north of Avenue J-12 and approximately 658 feet west of 60<sup>th</sup> Street West.

**d. Tentative Tract Map No. 62485**

Request for extension by Royal Investors Group, LLC, to subdivide 39 single family lots in the R-7,000 Zone, located on 10.09± gross acres at the southwest corner of 30<sup>th</sup> Street East and future Nugent Street.

The staff report was presented by Chuen Ng. Applicant Kris Pinero rescinded the contested letter and asked for an approval.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to grant a one-year extension to July 17, 2016, based on the findings contained in the staff report, and subject to the Revised Conditions List, Attachment to Resolution No. 06-58. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Cook.

**4. TENTATIVE TRACT MAP NO. 72648**

Chairman Vose opened the public hearing at 7:58 p.m., to hear a request by Global Investments and Development, LLC, to subdivide 24 single family lots, including 22 lots for single-family homes and 2 lots for a retention basin, in the R-7,000 Zone, located on 6± gross acres at the northeast corner of Newgrove Street and 65<sup>th</sup> Street West.

The reading of the staff report was presented by Chuen Ng. An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. Applicant representative Dennis Sloan, Bruin Engineering, was present for questions.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 15-10 approving Tentative Tract Map No. 72648. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Cook.

**5. TENTATIVE TRACT MAP NO. 72649**

Chairman Vose opened the public hearing at 8:17 p.m., to hear a request by Global Investments and Development, LLC, to subdivide 12 single family lots for single-family homes, in the R-7,000 Zone, located on 3.27± gross acres at the northeast corner of Newgrove Street and Tahoe Way.

The reading of the staff report was presented by Chuen Ng. An uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Applicant representative Dennis Sloan, Bruin Engineering commented on property to the south for both properties.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 8:25 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Harvey to adopt Resolution No. 15-11 approving Tentative Tract Map No. 72649. Motion carried with the following vote (6-0-0-0-1):

AYES: Coronado, Harvey, Malhi, Terracciano, Hall, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Cook.

**NEW BUSINESS**

**6. PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DEL SUR SOLAR PROJECT (SCH NO. 2015021016)**

Chairman Vose opened new business session at 9:05 p.m., for public comments on the draft environmental impact report (EIR) for the proposed Del Sur Solar project.

There were no speaker cards.

**RECESS**

Chairman Vose recessed the regular meeting at 9:06 p.m. for staff.

**RECONVENE**

Chairman Vose reconvened the regular meeting at 9:08 p.m.

**7. PROPOSED REVISIONS TO THE ALCOHOL ORDINANCE**

Chairman Vose opened new business session at 9:08 p.m., to discuss proposed revisions to the alcohol ordinance.

Brian Ludicke advised Commission that staff will prepare an ordinance for their review and consideration for the scheduled August 17, 2015, regular meeting if the Commission is comfortable with the revisions as proposed by staff.

Speaker Reserved Deputy Sheriff Mike Cooper commented on issues directly concerned with sales of single alcohol beverage containers.

There was a consensus by the commissioners for staff to prepare draft ordinance for hearing at the August 17, 2015, regular meeting.

New Business session closed at 9:27 p.m.

**DIRECTOR'S ANNOUNCEMENT**

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None

**COMMISSION AGENDA**

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None.

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

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None.

**ADJOURNMENT**

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In memory of the four fallen Marines and a Navy petty officer, Chairman Vose declared the meeting adjourned at 9:31 p.m., to the Special Meeting for Agenda Review on Monday, August 10, 2015, at 5:30 p.m., in the Parks and Recreation Conference Room, Lancaster 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