

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

November 21, 2016

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### CALL TO ORDER

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

### INVOCATION

Pastor John Meadors, Christian Life Assembly.

### PLEDGE OF ALLEGIANCE

Commissioner Cook.

### ROLL CALL

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

Absent: Commissioner Smith.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), Principal Planner (Chuen Ng), Chief Building Official (Warren Bennett), Interim City Engineer (Trolis Niebla), and Recording Secretary (Joy Reyes). There were 20 people in the audience.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Cook and seconded by Vice Chair Harvey to approve the Minutes from the Regular Meeting of October 17, 2016, and Recessed Meeting of October 20, 2016. Motion carried with the following vote (5-0-0-0-1):

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

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**CONTINUED PUBLIC HEARINGS**

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**2. Conditional Use Permit No. 16-05**

Chairman Vose opened the public hearing at 6:07 p.m., to hear a request by Ray Schneider, to construct a two-story 8,000 square-foot commercial/office building, in the Mixed Use-Transit Oriented Development (MU-TOD) Zone, located at 706 West Milling Street.

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.

There was one speaker card, Michelle Lowrey, representing her daughter Jessica Tippins who was unable to be present. She spoke of Jessica's concerns for the safety and privacy of her property. Ms. Lowrey commented on the eight parking spaces that are to be situated adjacent to the adjoining wall that divides the property, her concern is drivers penetrating the wall without proper barriers, and the parking structure that could potentially lead to homeless encampments or breaching the property line. Ms. Lowrey said the trees that were planned to be used as a privacy screen present a false sense of security and should be omitted. She suggested building a higher wall with steel or cementing pillars and installing in front of the parking stalls.

Chairman Vose asked Ms. Lowrey to clarify her requests relating to the wall and the bollard poles in front of the parking stalls.

The applicant's representative, Christine Alias, responded to Ms. Lowrey's concerns about the southern parking spaces, and commented about the 10-foot distance between the parking spaces and the adjacent wall.

Chuen Ng responded to Ms. Lowrey's concerns about safety by clarifying the distance between the parking stalls and the wall. He stated staff has viewed the adjacent uses, and through the site plan analysis the buffer in addition to the block wall and curbing is sufficient to address the needs. He also stated it would be possible to choose trees and bushes to address additional buffering issues the property owner may have.

The Commission and Staff discussed the concerns raised by the speaker.

Public hearing closed at 6:20 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 16-09 approving Conditional Use Permit No. 16-05. Motion carried with the following vote (4-1-0-0-1):

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

**3. Tentative Tract Map No. 62121**

Chairman Vose opened the public hearing at 6:20 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 82 single-family lots in the R-7,000 Zone, located on 30.3± gross acres on the northwest corner of 40<sup>th</sup> Street West and Avenue K.

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. Public hearing closed at 6:20 p.m.

It was moved by Commissioner Harvey and seconded by Vice Chair Hall to grant an one-year extension to October 16, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 05-71. Motion carried with the following vote (5-0-0-0-1):

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

**NEW PUBLIC HEARINGS**

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**4. Tentative Tract Map No. 70761**

Chairman Vose opened the public hearing at 6:22 p.m., to hear a request by Melvin Morris, to subdivide 46 single-family lots in the R-7,000 Zone, located on 12.15± gross acres on the northeast corner of 60<sup>th</sup> Street West and Avenue J-4.

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. Public hearing closed at 6:22 p.m.

It was moved by Commissioner Cook and seconded by Vice Chair Hall to adopt Resolution No. 16-10 approving Tentative Tract Map No. 70761. Motion carried with the following vote (5-0-0-0-1):

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

**5. ONE-YEAR EXTENSIONS****a. Tentative Tract Map No. 61535**

Chairman Vose opened the public hearing at 6:23 p.m., to hear a request by Stantec Consulting Services, Inc., to subdivide 240 single-family lots in the R-7,000 Zone, located on 57.6± gross acres on the southeast corner of Avenue J and 45<sup>th</sup> Street West.

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. Public hearing closed at 6:24 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to grant a one-year extension to October 17, 2017, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 05-67. Motion carried with the following vote (5-0-0-0-1):

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

**b. Tentative Tract Map No. 66408**

Chairman Vose opened the public hearing at 6:24 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 57 single-family lots in the R-7,000 Zone, located on 15± gross acres on the northeast corner of 36<sup>th</sup> Street West and Avenue J-12.

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. Public hearing closed at 6:25 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension November 21, 2017, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 05-77. Motion carried with the following vote (5-0-0-0-1):

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

**c. Tentative Tract Map No. 62578**

Chairman Vose opened the public hearing at 6:25 p.m., to hear a request by Civil Design and Drafting, Inc., to subdivide 83 single-family lots in the R-7,000 Zone, located on 20.1± gross acres on the Westside of 40<sup>th</sup> Street West and Avenue J-12.

The reading of the staff report was waived. The applicant was present and stated they were in agreement with the conditions, and were available for questions. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:26 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to grant a time extension to November 21, 2017, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 05-78. Motion carried with the following vote (5-0-0-0-1):

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

**d. Tentative Tract Map No. 62664**

Commissioner Harvey recused due to the project in vicinity of her residence.

Chairman Vose opened the public hearing at 6:27 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 30 single-family lots in the R-7,000 Zone, located on 17.87± gross acres on the southeast corner of 40<sup>th</sup> West and future Avenue M-4.

The reading of the staff report was waived. The applicant was present and stated they were in agreement with the conditions, and were available for questions. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:27 p.m.

It was moved by Commissioner Cook and seconded by Commissioner Smith to grant a one-year extension to November 21, 2017, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 05-80. Motion carried with the following vote (4-0-0-1-1):

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

Commissioner Harvey returned to the dais.

**e. Tentative Tract Map No. 62841**

Chairman Vose opened the public hearing at 6:29 p.m., to hear a request by Royal Investors Group, LLC, to subdivide 61 single-family lots in the R-7,000 Zone, located on 14± gross acres located approximately 680 feet north of Avenue J on the west side of 40<sup>th</sup> Street West.

The reading of the staff report was waived. The applicant was present and stated they were in agreement with the conditions, and were available for questions. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:29 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to grant a one-year extension to December 19, 2017, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 05-92. Motion carried with the following vote (5-0-0-0-1):

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

**f. Tentative Tract Map No. 66396**

Commissioner Harvey recused due to the project in vicinity of her residence.

Chairman Vose opened the public hearing at 6:30 p.m., to hear a request by Antelope Valley Engineering, to subdivide 7 single-family lots in the SRR Zone, located on 5± gross acres located on the northwest corner of Avenue N and 42<sup>nd</sup> Street West.

The reading of the staff report was waived. The applicant was present and stated they were in agreement with the conditions, and were available for questions. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:30 p.m.

It was moved by Commissioner Cook and seconded by Vice Chair Hall to grant a one-year extension to October 21, 2017, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 07-37. Motion carried with the following vote (4-0-0-1-1):

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

Commissioner Harvey returned to the dais.

**g. Tentative Tract Map No. 69466**

Chairman Vose opened the public hearing at 6:32 p.m., to hear a request by Antelope Valley Engineering, to subdivide 17 single-family lots in the SRR Zone, located on 10± gross acres Located on the southwest corner of 35<sup>th</sup> Street West and future Avenue M-4.

The reading of the staff report was waived. The applicant was present and stated they were in agreement with the conditions, and were available for questions. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:32 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to December 19, 2017, based on the findings contained in the staff report and subject to the Conditions List, Attachment to Resolution No. 07-58. Motion carried with the following vote (5-0-0-0-1):

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

**6. AMENDMENT TO LANCASTER MUNICIPAL CODE (TITLES 15 AND 17)  
 ZERO NET ENERGY STANDARDS FOR NEW SINGLE-FAMILY  
 RESIDENTIAL DEVELOPMENT**

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Chairman Vose opened the public hearing at 6:33 p.m., to hear a request by the City of Lancaster, to amend Title 15 and Title 17 of the City of Lancaster Municipal Code relating to establish requirements for construction of Zero Net Energy (ZNE) Single-Family Residences.

Patti Garibay and Warren Bennett presented the Zero Net Energy (ZNE) Ordinance Standards for Single-Family Residential Development. Patti Garibay informed of the City's accomplishments in solar and energy ordinances, and stated the City of Lancaster is the first city in California to have a solar ordinance for residential homes, first to become a community choice aggregator, and first city to declare a goal of becoming a Zero Net Energy community.

The Commission and staff discussed the following presentation topics:

- Goal of becoming a ZNE community
- Developers and ZNE
- ZNE and SCE partnership
- Existing Solar Ordinance
- Mitigation Fee & Net Metering
- Off-grid sustainability
- ITC Credit
- 2016 Building Permits Issued
- House Appraisal / Home Value with Solar
- Cost of Fees
- 2017 Energy Efficiency Requirement

There were three speaker cards.

Speaker No. 1: Myrle McLernon of MDM Architects began with a question for Warren Bennet about the Better Built Homes development credit on a 2,500 square-foot home. Warren responded the credit is roughly \$2,500, and one dollar per square-foot. Mr. McLernon believes what the City is trying to do does make sense, but questions if people will be able to qualify for this type of house. He said he is able to design a home that requires less than the 2 kilowatts, and in fact has designed one at 1.1 kilowatts with an eight dollar energy bill. He stated the proposed ordinance allows value by design which could help reduce the amount of fees, and builders would still be able to receive the 30% credit. He questioned if technology would improve enough in three years to benefit from the 2020 ordinance without the 30% credit currently offered. He reiterated his question about buyers being able to qualify for the new homes if fees will raise the costs. In conclusion, he expressed he is in favor of this ordinance, but the credit for Better Built Homes should be kept, leaving the reduction in fees.

The Commission and staff discussed the following topics relating to the speaker:

- Design of homes
- Recommended kilowatts compared to actual need of home
- Trade-off advantages and disadvantages
- Energy efficiency
- States 2020 mandate compared to proposed ordinance

Speaker No. 2: DeAndre Valencia, Director of Government Affairs for the Building Industry Association in Los Angeles and Ventura County, stated his organization represents roughly 1,100 companies that build homes, and he is speaking on behalf of: Beazer Homes, KB Homes, Epic Companies, and Pacific Communities, builders in Lancaster. He said they are worried about the pricing of the fee, but also understands Lancaster's motivation to move forward with solar energy. His organization wants to make sure there is no undue burden that will be put on the developer, which can result in increased housing costs in an already dismal market, and he is willing to work with them. Mr. Valencia questioned what the proposed mitigation fee numbers are based on, the nexus between the costs, and the need of the fee. He said there needs to be a reduction in the fee, building fees are already significant and the proposed fees will add an additional 30% - 40% to those fees. He said the Option 3 in the proposed ordinance is appreciated in regard to Title 24, which would require the building of high performance walls and attics. He said the option to use a smaller system if they are able to prove it works is not beneficial since they would not qualify for the credit, and would have to build the high performance walls and attic. He also asked if the proposed fees would be phased in over the next few years, and requested for some type of trade-off that would help developer costs.

The Commission discussed the following topics:

- Speakers solution to get to net zero
- Gains of trade-offs
- ITC credit

Speaker No. 3: Nelson Chung, representing Pacific Communities, expressed thanks to the Commission for the questions that have been raised and gave his support of the Better Homes, Better Communities program. He shared some data relating to the homes sold from his tract in 2016; about 53% were with a Veteran's Administration (VA) loan, and 27% with a Federal Housing Administration (FHA) loan, and also said appraisers do not give out more than \$5,000 - \$10,000



credit for solar. Mr. Chung stated the reason for the low appraisal amount is they predict no more than seven years for the maximum life-span. He said they embrace the City's solar farm concept since the tract does not always face east to west, or the roof does not face a good direction. He stated that two questions had not been discussed: (1) the long-term maintenance of the panels, since most builders do not know how to maintain the equipment if the installer goes out of business, and (2) the extension of a solar subsidy that could put many solar installers out of business. He expressed this is the reason as a home builder he leases the systems instead of purchasing.

The Commission discussed the following topic relating to the speaker:

- Warranty Requirements
- CFD for energy efficiency
- Building Fees

Chairman Vose and the commissioners came to a consensus to continue the hearing to the Planning Commission Regular Meeting on Monday, December 19, 2016, at 6:00 p.m., in the Council Chambers, Lancaster City Hall.

## **DIRECTOR'S ANNOUNCEMENT**

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Brian Ludicke informed the Commission the Medical Cannabis Cultivation Ordinance is scheduled to go before the City Council on December 13, 2016.

## **COMMISSION AGENDA**

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The Planning Commission meetings of January 16, 2017 and February 20, 2017, rescheduled to January 17, 2017 and February 21, 2017, respectively, due to Martin Luther King Jr. Day, and President's Day holidays.

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

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Speaker Matt Antony, representing Green Mojave Farms, spoke to the Commission concerning Medical Marijuana. He informed them his organization has dealt with ordinances throughout California, and was willing to offer information and perspectives from cities that have passed similar ordinances.

## **ADJOURNMENT**

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Chairman Vose declared the meeting adjourned to the Special Meeting for Agenda Review on Monday, December 12, 2016, at 5:30 p.m., in the Parks, Recreation and Arts 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