

RESOLUTION NO. 23-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 17-007 AND ZONE CHANGE NO. 17-006 TO THE CITY COUNCIL FOR 160 GROSS ACRES LOCATED ON THE SOUTH SIDE OF AVENUE H BETWEEN 50TH STREET WEST AND 55TH STREET WEST (APNS: 3269-011-015, 3269-011-007), ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH# 2023100285), APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING STAFF TO EXECUTE THE NOTICE OF DETERMINATION

WHEREAS, the subject property is approximately 160 acres located on the south side of Avenue H between 50th Street West and 55th Street West (Assessor Parcel Numbers [APNs] 3269-011-015, 3269-011-007); and

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07, Simon Li , on behalf of BYD (“Applicant”), initiated an application for a General Plan Amendment (GPA No. 17-007) to redesignate the subject property from NU (Non-Urban Residential) to LI (Light Industrial); and

WHEREAS, pursuant to Section 17.24.040 of the Lancaster Municipal Code (“LMC”), the Applicant has initiated an application for a Zone Change (ZC No. 17-006), and requested that the Planning Commission consider a change to the zoning for the project site from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) to LI (Light Industrial); and

WHEREAS, a notice of intention to consider granting of a General Plan Amendment and Zone Change has been given as required by Chapter 17.24 of the LMC, and Section 65905 of the Government Code of the State of California; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, §210000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.) (“CEQA”), an Initial Study (SCH #2023100285) was prepared for the proposed project and circulated for public review ending on November 9, 2023; and

WHEREAS, on the basis of the Initial Study, which indicated that all potential environmental impacts from the proposed project would be less than significant with the incorporation of the identified mitigation measures, staff determined that a Mitigated Negative Declaration should be prepared; and

WHEREAS, the public review period closed on November 9, 2023 and all comments received from the public and responsible, trustee, and interested agencies were considered; and

WHEREAS, public notice was provided, as required by law, and a public hearing was held by the City of Lancaster Planning Commission (“Planning Commission”) on November 13, 2023; and

WHEREAS, the Planning Commission desires to recommend that the City Council approve and adopt GPA No. 17-007 and ZC No. 17-006.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LANCASTER, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. This Commission hereby finds the foregoing recitals are true, correct and a incorporated herein as substantive part of this Resolution.

Section 2. That the Planning Commission hereby certifies that it has reviewed and considered the information in the Initial Study/Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act (“CEQA”) (including its implementing regulations) prior to taking action. The Planning Commission hereby finds that the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures as detailed in the Mitigated Negative Declaration. The Planning Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Initial Study/Mitigated Negative Declaration prepared for the proposed project reflects the independent judgement of the City of Lancaster.

Section 3. That the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program included in the Mitigated Negative Declaration.

Section 4. That the Community Development Department, Planning and Permitting staff is hereby authorized and directed to prepare, execute, and file a Notice of Determination pursuant to CEQA (including its implementing guidelines).

Section 5. That the Planning Commission hereby adopts the following General Plan Amendment findings, pursuant to Section 17.24.140 of the LMC, in support of approval of this application:

- a. Information presented at public hearing shows that such amendment is necessary to implement the general plan and/or the public convenience, the general welfare or good zoning practice justifies such action.

There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment. The property to the north is part of the Fox Field Specific Plan which has an underlying zoning on Light Industrial. This area is meant to encourage a mix of industrial and office type uses; however, it is highly fragmented into smaller sized lots which do not allow for larger type developments.

The proposed amendment extends the Light Industrial general plan designation to two parcels on the south side of Avenue H totaling 160 acres. This would allow for larger scale, industrial development, including the proposed school bus manufacturing facility, to be constructed providing a source of needed jobs in the community. The proposed amendment would not adversely affect the economic health of the City, as the development of the project would not require a major investment to provide access or public infrastructure to the site. Access already exists from Avenue H with close access to the Antelope Valley Freeway, 2.5 miles east. Additionally, public utilities existing in the immediate vicinity of can be easily extended including water, sewer, and electricity. While there are a handful of single family residences in the vicinity, most of the surrounding property is vacant. Additionally, other property designated LI is located approximately 0.5 miles south surrounding the prison. The proposed amendment would be compatible with the surrounding land uses and general plan designations.

Section 6. That the Planning Commission hereby adopts the following Zone Change findings, pursuant to Section 17.24.120 of the LMC, in support of approval of this application.

- a. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration.

Modified conditions warrant a revision in the zoning plan in order to allow for the permitting of the proposed project. The 160 acre project site is immediately adjacent to property located in the Fox Field Specific Plan with a Light Industrial underlying zoning. However, the lots within the Specific Plan tend to be smaller and fragmented which does not allow for the development of a larger sized industrial development such as the proposed project. These larger developments are necessary to provide living wage jobs to the residents of the Antelope Valley and a stable economic environment. Additionally, while there are some residences located near the project site, most of the surrounding property is vacant and other industrially zoned property is located approximately 0.5 miles south of the project site. Therefore, the proposed zoning would be compatible with the surrounding zoning designations and land uses.

- b. That a need for the proposed zone classification exists within such area or district.

A need for the proposed LI zoning on the subject property exists as larger sized industrially zoned property is not currently available. The larger lot industrially zoned property is necessary in order to develop larger projects which can meet the employment needs of the City and Antelope Valley. The proposed LI zoning would allow for the same type of developments as currently allowed on the north side of Avenue H, would provide for the larger sized lot needed for the proposed project and would be compatible with the surrounding uses and zoning.

- c. That the particular property under consideration is a proper location for said zone classification within such area or district.

The particular property under consideration is a suitable location for the LI zone as the property on the north side of Avenue H is located in the Fox Field Specific Plan with an underlying zoning of Light Industrial. The property approximately 0.5 miles south of the project site near the prison is also zoned LI. While there are some residences in the vicinity of the project site, most of the surrounding is vacant and zoned for residences on 2.5 lots which allows for any necessary buffers. Additionally, access to the project site would be obtained directly from a major arterial and would not require the construction of additional roadways to access the site.

- d. That placement of the proposed zone at such location will be in the interest of public health, safety, and general welfare and in conformity with good zoning practice.

Placement of the proposed zone at this location will be in the interest of public health, safety and general welfare and is in conformity with good zoning practice. The proposed zone change would provide consistent zoning with the property to the north and would be compatible with the surrounding zoning and existing developments in the vicinity.

Section 7. That the Planning Commission hereby recommends that the City Council approve GPA No. 17-007 to redesignate the subject property from NU to LI.

Section 8. That the Planning Commission hereby recommends that the City Council approve ZC No. 17-006 to rezone the subject property from RR-2.5 to LI.

Section 9. The Planning Commission staff is authorized and hereby directed to transmit this Resolution to the City Council as required by Section 65855 of the Government Code.

Section 10. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Lancaster City Hall, 44933 Fern Avenue, Lancaster, CA 93534. This information is provided in compliance with Public Resources Code Section 21081.6.

Section 11. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

PASSED, APPROVED and ADOPTED this 13th day of November 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

Patti Garibay, Assistant Director – Community Development Planning & Permitting
City of Lancaster

Attachments:

- A. Conditions List
- B. Mitigation Monitoring and Reporting Program

Within 10 working days of the date of this decision by the Commission, an applicant or an interested City resident may submit to the City Clerk a notice of appeal pursuant to LMC Sections 17.36.030 and 2.44.010 *et seq.*

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.