

RESOLUTION NO. 22-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 21-06 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A RENEWABLE HYDROGEN FUEL FACILITY AT THE NORTHWEST CORNER OF 6TH STREET EAST AND AVENUE M IN THE HEAVY INDUSTRIAL ZONE (APNS: 3126-017-028, 3126-017-040, 3126-017-039)

WHEREAS, a Conditional Use Permit has been requested by SG H2 Lancaster Holding Company, LLC, to allow for the construction and operation of a renewable hydrogen fuel facility in the Heavy Industrial zone; and

WHEREAS, an application for the above-described Conditional Use Permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code (“LMC”); and

WHEREAS, a notice of intention to consider the granting of a Conditional Use Permit has been given as required by Article V of Chapter 17.32 of the LMC, and Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, public notice was provided, as required by law, and a public hearing was held on December 12, 2022; and

WHEREAS, an Initial Study (SCH #2022080669) was prepared for the proposed project in compliance with the California Environmental Quality Act (“CEQA”) and circulated for public review originally ending on September 30, 2022 with an extension to the public review period granted until October 16, 2022 (effective date October 17, 2022); and

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approved the Applicant’s requested Conditional Use Permit

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

Section 1. That the Planning Commission hereby adopts the following findings pursuant to Section 17.32.090 of the LMC, in support of approving this application:

- a. That the proposed use will not be in substantial conflict with the adopted general plan for the area.
- b. The requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- c. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- d. The proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate.
 2. By other public or private service facilities as are required.

Section 2. This Commission hereby finds the foregoing recitals are true, correct and a substantive part of this resolution.

Section 3. 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 4. That the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program included in the Mitigated Negative Declaration.

Section 5. That the Community Development Division staff is hereby authorized and directed to prepare, execute and file a Notice of Determination pursuant to CEQA (including its implementing guidelines).

Section 6. This Commission hereby approves Conditional Use Permit No. 21-06, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 12th day of December 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

LARISSA DE LA CRUZ, Senior Manager – Community Development
City of Lancaster

Attachment:
Conditions List
Mitigation Monitoring and Reporting Program