

ATTACHMENT 4

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April 15, 2021

Via Email and Overnight Mail

Justin Sauder
Associate Planner
City of Palmdale Planning Department
And the Palmdale City Clerk
38250 Sierra Highway
Palmdale, CA 93550
Email: jsauder@cityofpalmdale.org, cityclerk@cityofpalmdale.org

Re: Appeal of the City of Palmdale Planning Commission's 4/8/2021 Decision to Deny Appeal 21-001 and Uphold the Hearing Officer's Approval of Site Plan Review SPR 20-009

Dear Mr. Sauder and City Clerk:

We are writing on behalf of **Citizens for Responsible Solar** ("Citizens") to appeal the City of Palmdale ("City") Planning Commission's April 8, 2021 denial of Appeal 21-001, upholding the February 25, 2021 Hearing Officer approval of Site Plan Review 20-009 and all other Entitlements listed below and the associated Initial Study/Mitigated Negative Declaration ("IS/MND") and Mitigation Monitoring Reporting Program, prepared pursuant to the California Environmental Quality Act ("CEQA"), for Lockheed Martin Aeronautics' ("Applicant") proposed 25 MW photovoltaic ("PV") solar plant (collectively "Project"), pursuant to the Palmdale Municipal Code.¹

¹ Palmdale Municipal Code, § 17.20.110.
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We previously filed comments on the Project and the IS/MND, prepared pursuant to CEQA.² The Project would include the construction and operation of a solar PV power generating facility and associated facilities, that would generate a combined total of approximately 25 megawatts (“MW”) of renewable electrical energy on approximately 140 acres of private land in the City.

The Applicant is seeking (a) a Site Plan Review to allow for the construction and operation of the 25 MW solar PV facility; (b) an Encroachment Permit to encroach Avenue 012 ; (c) a Native Desert Preservation Plan (“NDPP”); (d) a Dust Plan; (e) a Grading Permit; (f) a Building Permit (collectively, “Entitlements”); and (g) approval of the IS/MND.³ We reserve the right to supplement our comments at later hearings on this Project.

We explained in our IS/MND comments that the IS/MND failed to comply with CEQA’s basic requirement to act as an “informational document.” The IS/MND was devoid of meaningful details upon which the public and decisionmakers can adequately assess the Project’s significant impacts. The IS/MND failed to comply with the requirements of CEQA by failing to adequately disclose, analyze, or mitigate the Project’s risk to special-status plants and animals, and failing to adequately disclose, analyze, and mitigate the Project’s potential to expose the public to Valley Fever. Further, the Applicant and the City have failed to comply with the procedures of the Palmdale Native Vegetation Ordinance. Because of these shortcomings, the IS/MND is deficient as a matter of law and its determinations that it properly identifies and mitigates the Project’s significant impacts are not supported by substantial evidence. Finally, the City does not adequately respond to all of the issues presented in Citizens’ comment letters on the IS/MND. These fatal errors were repeated by the Planning Commission.

For each of these reasons, Citizens appeals the Planning Commission’s denial of our previous appeal and upholding of the City Hearing Officer’s approval of the Entitlements, the IS/MND and the Mitigation Monitoring Reporting Program for the Project to the City Council. The City may not approve the Project until a revised

² Cal. Public Resources Code §§ 21000 et seq; Letter from Kyle C. Jones, Adams, Broadwell, Joseph & Cardozo to Justin Sauder, City of Palmdale, Comments on the Initial Study/Mitigated Negative Declaration for Site Plan Review 20-009 (APN’s 3022-027-016 and -017, SCH No. 2021010230), (Feb. 2, 2021).

³ IS/MND, pp. 8-9.
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environmental review document is prepared and re-circulated for public review and comment. We urge the City Council deny the Project until a legally adequate Environmental Impact Report is prepared for the Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'KJ', with a horizontal line extending to the right.

Kyle C. Jones

KCJ:ljl