

AGENDA ITEM: 3.a.

DATE: 12-21-09

## STAFF REPORT

### CONDITIONAL USE PERMIT 07-15 REQUEST FOR EXTENSION

DATE: December 21, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: May Centers

LOCATION: 13.30± gross acres located on the southwest corner of Avenue K and 30<sup>th</sup> Street East

REQUEST: Construction of a 109,739 square-foot commercial retail center and subdivide the property into eight parcels in the CPD Zone

RECOMMENDATION: Grant a one-year extension to December 17, 2010, based on the findings contained in the staff report and subject to added Condition Nos. 67-72, and all other previously approved conditions.

BACKGROUND AND STATUS: The subject property is designated Commercial by the General Plan, is zoned CPD (Commercial Planned Development), and is currently vacant. On December 17, 2007, the Planning Commission approved Conditional Use Permit No. 07-15 and Tentative Parcel Map No. 69768 for two years. On July 15, 2009, the State of California adopted Assembly Bill 333 that would add two years to existing tentative subdivision and parcel maps. The applicant is requesting their first extension for the Conditional Use Permit due to financial constraints. There are two more extensions available.

Since the original approval date, the City has created an Architectural and Design Commission to recommend design requirements/guidelines for all development in the City. The City Council adopted the recommended design guidelines on December 8, 2009. In July 2009, the City Council amended the Lancaster Municipal Code (LMC) to increase the number of allowable extensions for approved conditional use permits from one (1) one-year extension to three (3) one-year extensions. The amended LMC also requires that projects granted extensions be conditioned to be consistent with the adopted Design Guidelines.

A basic review of the approved plans for this project indicates that certain design features, such as meandering sidewalks (six feet from the curb), landscaped parkways (adjacent to the curb),

landscaped berms for parking lot screening, and 360-degree architecture, need to be incorporated into them. Therefore, staff is recommending that the applicant submit revised site plans and elevations to the Planning Department for review 90 days prior to the issuance of building permits. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC), and the ADC shall render the final decision. Staff will work with the applicant to ensure that the newly created Design Guidelines have been incorporated into the project.

FINDINGS:

1. The approval of the extension is consistent with the goals, objectives, policies, action programs, and land use designation of CPD (Commercial Planned Development) of the adopted General Plan and is applicable to the subject property because it will provide a use for the surrounding community, and the project will be required to be revised as necessary to be consistent with the adopted Architectural and Design Guidelines in accordance with General Plan Policy 19.1.1.
2. The findings justifying the original approval of the conditional use permit on December 17, 2007, remain valid.
3. The approval of the extension will allow for development of a project that is of benefit to the public health, safety, and welfare through completion of vital infrastructure or public improvements, including 30<sup>th</sup> Street East and Avenue K.
4. The granting of the extension is necessary to allow sufficient time for the applicant to obtain additional funding and tenant commitment for development of the project.
5. There is no substantial change in the land use or development patterns in the vicinity of the project that would cause detriment to the public health, safety, or welfare should the extension be granted, because the surrounding property is used, designated and zoned urban residential in the same pattern as existed in December 2007.

MODIFIED CONDITION:

39. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).

ADDED CONDITIONS:

67. Per the direction of the Planning Director, the applicant shall submit revised site plans and elevations to the Planning Department 90-days prior to issuance of building permits. The revised plans shall comply with the adopted City of Lancaster's Design Guideline Manual, including both site layout and building design/elevations. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the

buildings, the matter may be appealed to the Architectural and Design Commission (ADC), and the ADC shall render the final decision.

68. Per the direction of the Directors of Planning and Public Works, at the time of project construction, the applicant shall be required to comply with all Ordinances adopted to address the balance of water supply to water demand.
69. Prior to grading, the applicant shall provide 24 hours, 7 days a week, a contact name and valid phone number regarding blowing dust or debris from the site.
70. The City of Lancaster has previously committed a portion (28-acre feet annually) of its water allocation from the Los Angeles County Waterworks District to serve the project. Further, there is in place an existing agreement regarding water credits and fees applicable to the property. However, it is the responsibility of the applicant to contact the Los Angeles County Waterworks District to determine if there are additional off-site improvements or conditions which would be required.
71. Per the direction of the Public Works Director, the applicant shall construct a meandering sidewalk on Avenue K and 30<sup>th</sup> Street East in accordance with the adopted Design Guidelines. It will be the responsibility of the developer to maintain the landscape planter/parkway as part of the project.
72. Per the Planning Director where provided, all deliveries shall be confined (restricted) to designated loading areas as so not to interfere with customer and ADA parking and/or pedestrian access, and circulation.

Respectfully submitted,

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Randie Davis, Assistant Planner

cc: Applicant  
Engineer

Attachments: Applicant's Findings  
Planning Commission Staff Report for October 16, 2006