

**STAFF REPORT**  
**City of Lancaster**

CC 9
08/14/12
MVB

Date: August 14, 2012

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Rescinding of Approved General Plan Amendment No. 05-01, Certification of Environmental Impact Report, Zone Change No. 05-01, and Conditional Use Permit No. 07-12 (21.3 Acres at the NW Corner of 60<sup>th</sup> Street West and Avenue K)**

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**Recommendation:**

Adopt **Resolution No. 12-57**, rescinding the approvals of Resolution No. 09-36 (General Plan Amendment No. 05-01, Certification of Environmental Impact Report SCH#2007071049 and related environmental findings), and Ordinance No. 923 (Zone Change No. 05-01), and Conditional Use Permit No. 07-12, pursuant to the order of the Superior Court in the decision of SONG vs. City of Lancaster and AV California LLC, dated December 15, 2011.

**Fiscal Impact:**

None.

**Background:**

General Plan Amendment No. 05-01, Zone Change No. 05-01, and Conditional Use Permit No. 07-12 were requests to redesignate the 21.3-acre site at the northwest corner of Avenue K and 60<sup>th</sup> Street West from UR (Urban Residential) to C (Commercial) on the General Plan, rezone it from R-7,000 to CPD (Commercial Planned Development), and construct a 219,904 square-foot commercial center on it. An environmental impact report was also prepared for the requested actions and certified as part of the action on the requests. General Plan Amendment No. 05-01 and Zone Change No. 05-01 were approved by the City Council in May 2009. Conditional Use Permit No. 07-12 was approved by the City Council in June 2009.

Following approval of the actions, the adequacy of the environmental impact report was challenged by Save Our Neighborhood Group (SONG). The Superior Court denied SONG's challenge in a judgment issued in April 2010, a ruling that was appealed to the Court of Appeal. The Court of Appeal ruled in favor of SONG in June 2011, with the Superior Court subsequently issuing the noted judgment on December 15, 2011.

The proposed action to rescind these three approvals would satisfy the requirements of the court. However, it is also important to note that the City has, through the approval of the City-wide General Plan on July 14, 2009 (CC Resolution 09-52), and the City-wide rezoning on July 13, 2010 (Ordinance No. 945), designated and zoned that subject property as C (Commercial) and

CPD (Commercial Planned Development). These actions, which were separate and apart from the actions on the specific requests on the subject property, were never challenged. Therefore, the action to rescind the approvals would only result in the elimination of the certification of the environmental impact report, and the vacating of the approval of Conditional Use Permit No. 07-12; the land use and zoning designations of C and CPD, respectively, will remain in effect on the site. Should an applicant wish to pursue commercial development of this parcel, they would be required to file the appropriate land use application, and comply with the environmental requirements of State law.

BSL/jr

**Attachment:**

Resolution No. 12-57