

RESOLUTION NO. 12-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, RESCINDING THE APPROVALS OF CITY COUNCIL RESOLUTION NO. 09-36 (GENERAL PLAN AMENDMENT NO. 05-01 AND CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT SCH#2007071049), ORDINANCE NO. 923 (ZONE CHANGE NO. 05-01), AND PLANNING COMMISSION RESOLUTION NO. 09-09 (CONDITIONAL USE PERMIT NO. 07-12), AFFECTING 21.3 ACRES AT THE NORTHWEST CORNER OF 60<sup>TH</sup> STREET WEST AND AVENUE K

WHEREAS, the applicant, AV California LLC, filed applications for a general plan amendment (GPA 05-01), zone change (ZC 05-01), and conditional use permit (CUP 07-12) for 21.3 acres located at the northwest corner 60<sup>th</sup> Street West and Avenue K (“subject property”); and

WHEREAS, the applications requested the redesignation of the subject property from UR (Urban Residential) to C (Commercial), the rezoning of the subject property from R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) to CPD (Commercial Planned Development), and approval to construct a 219,904 square-foot commercial center; and

WHEREAS, the City determined that the review of the applications required preparation of an environmental impact report under the regulations of the California Environmental Quality Act (CEQA), and an environmental impact report was, therefore, prepared, reviewed, and certified as noted in Exhibit “A” of City Council Resolution No. 09-36; and

WHEREAS, the Planning Commission held a legally noticed public hearing on the applications on April 20, 2009, and recommended to the City Council approval of GPA 05-01 and ZC 05-01, and also held a legally noticed public hearing on June 15, 2009, approving Conditional Use Permit No. 07-12; and

WHEREAS, the City Council held a legally noticed public hearing on May 12, 2009, and approved City Council Resolution No. 09-36 certifying the environmental impact report prepared for the applications (SCH#2007071049), adopting required findings under the provisions of CEQA, and approving GPA 05-01, and introduced Ordinance No. 923 to rezone the subject property as requested under ZC 05-01; and

WHEREAS, the City Council approved the second reading of Ordinance No. 923 on May 26, 2009; and

WHEREAS, the adequacy of the environmental impact report and the related actions was legally challenged by a group identified as Save Our Neighborhood Group (SONG); and

WHEREAS, the Superior Court denied SONG's challenge in April 2010, and SONG subsequently appealed the ruling to the Court of Appeal, which ruled in favor of SONG in June 2011, and

WHEREAS, the Superior Court issued a judgment based on the Court of Appeal opinion on December 15, 2011, ordering the rescinding of the approvals granted to these applications by the City; and

WHEREAS, the City Council approved a land use designation of C (Commercial) on the subject property as part of the City-wide adoption of the General Plan under Resolution No. 09-52 on July 14, 2009, and approved a zoning designation of CPD (Commercial Planned Development) on the subject property as part of the City-wide rezoning under Ordinance No. 945, introduced at the regular City Council meeting of June 22, 2010, and approved under a second reading on July 13, 2010; the aforementioned actions were not part of the legal challenge filed by SONG and are, therefore, not affected by the Superior Court order;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lancaster:

1. Rescinds City Council Resolution No. 09-36, effectively rescinding the certification of the environmental impact report SCH#2007071049 and the related environmental findings, and rescinding the approval of General Plan Amendment No. 05-01; and
2. Rescinds the approval of Ordinance No. 923, also known as Zone Change No. 05-01; and
3. Rescinds the approval of Conditional Use Permit No. 07-12, granted by the Planning Commission under Planning Commission Resolution No. 09-09 on June 15, 2009; and
4. Finds that the designation of the subject property as C (Commercial) approved under City Council Resolution No. 09-52 on July 14, 2009, and the zoning of the property as CPD (Commercial Planned Development) approved under Ordinance No. 945 are not affected by the judgment of the Superior Court issued on December 15, 2011, and reiterates that these actions remain in full force and effect on the subject property.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )  
CITY OF LANCASTER            )        ss

CERTIFICATION OF RESOLUTION  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 12-57, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

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