

ORDINANCE NO. 984

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA,
AMENDING THE CITY ZONING PLAN FOR 40± ACRES
LOCATED AT THE NORTHWEST CORNER OF AVENUE L AND
60TH STREET WEST, KNOWN AS ZONE CHANGE NO. 06-04

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Lancaster West 60th, LLC, to change the zoning designation on 40± acres of land located at the northwest corner of Avenue L and 60th Street West from R-7,000 (Single Family Residential, one dwelling unit per 7,000 square feet) and R-10,000 (Single Family Residential, one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development); and

WHEREAS, notice of intention to consider the zone change of the subject property was given as required in Section 17.24.110 of the Municipal Code and Sections 65854 and 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended that the zone change request be approved; and

WHEREAS, public hearings on the zone change request were held before the Planning Commission on July 7, 2009, and recessed to July 8, 2009; and the City Council on July 21, 2009, and adjourned to July 22, 2009; and

WHEREAS, the City Council previously considered and approved Ordinance No. 930 Amending the City Zoning Plan for 40± Acres Located At The Northwest Corner Of Avenue L And 60th Street West, Known As Zone Change No. 06-04 on July 22, 2009, which approval was challenged in Los Angeles Superior Court Case No. BS 122336 (Appellate Case No. B227957) (the "Action"). As part of the Action, the Court of Appeal considered the adequacy of the Final Environmental Impact Report ("EIR") supporting Ordinance No. 930 and found that on the sole issue of the consideration of the Reduced Commercial Density Alternative, the City failed to provide sufficient evidence that the Reduced Commercial Density Alternative was not economically viable. The Court of Appeal did not, however, order the rescission of Ordinance No. 930 or any other project approvals; and

WHEREAS, a public hearing was held on the zone change request before the City Council on December 11, 2012; and

WHEREAS, pursuant to Section 15090(a)(2) of the California Environmental Quality Act (CEQA) Guidelines, a Final EIR and Addendum has been prepared for the proposed project and approved for certification by the City Council on December 11, 2012, and the City Council considered the information contained in the Final EIR and Addendum prior to making a decision on the amendment of the zoning plan; and

WHEREAS, the City Council hereby makes the following findings in support of the Ordinance, which findings are supported by, and based upon the approvals, findings and considerations upheld by the Court of Appeal in the Action:

1. The proposed zone change from R-7,000 and R-10,000 to CPD is consistent with the General Plan land use designation of C proposed for the subject property.
2. Modified conditions, including a change in the land use designation of the site to provide for a commercial site to serve the western area of the City, warrant a zone change on the site.
3. A need for the proposed zone classification of CPD exists within such area in order to allow for the logical location of commercial development to meet the long-term commercial needs of the western area of the City.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is of the size and shape to allow for the development of a major commercial center, and is located at an intersection where adequate vehicular access will be available.
5. Placement of the proposed commercial zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, facilities, and infrastructure exist to accommodate the proposed commercial development.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. All environmental findings and the statement of overriding considerations as stated in Exhibit "A" of City Council Resolution No. 12-72 are hereby re-adopted for this zone change ordinance.

Section 2. That the subject property is reclassified from R-7,000 (Single-Family Residential, minimum lot size 7,000 square feet) and R-10,000 (Single-Family Residential, minimum lot size 10,000 square feet) to CPD (Commercial Planned Development).

Section 3. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 11th day of December, 2012, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2013, 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

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 984, 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 the _____, _____.

(seal)