

AGENDA ITEM: 2.

DATE: 10-22-07

STAFF REPORT

CONDITIONAL USE PERMIT NO. 07-10 CONDITIONAL USE PERMIT NO. 05-07 TENTATIVE PARCEL MAP NO. 69301

DATE: October 22, 2007

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: JP Eliopoulos Enterprises, Inc.

LOCATION 8.5± net acres located on the southeast corner of Avenue K and 30th Street West

REQUEST:

1. Conditional Use Permit No. 07-10 to construct 3 buildings totaling 41,849 square feet of commercial retail in the CPD Zone on 5.0± net acres;
2. Conditional Use Permit No. 05-07 to construct 50 multiple family units in the HDR Zone on 3.5± net acres;
3. Tentative Parcel Map No. 69301 to create 4 parcels on the site ranging in size from 1.4 acres to 3.5 acres in the CPD and HDR Zones on 8.5 net acres

RECOMMENDATION: Adopt Resolution No. 07-48 approving Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07, and Tentative Parcel Map No. 69301.

BACKGROUND: There have been several previous hearings since 1979 regarding modifying the site from R-10,000 to MDR, and back to R-10,000. On November 12, 1979, the Planning Commission approved ZC 79-40, a request to change the site from R-10,000 to R-10,000 RPD with the construction of 100 condominium units on 10 gross acres. GPA 84-01 was a request to modify the site from MDR-1 & 2 to MDR-1-DP. Prior to December 1996, the site was designated MR and Zoned MDR. The 1997 General Plan map indicates a UR designation for this site. These projects will not be in effect until such time as GPA No. 04-04 and Zone Change No. 04-05 are in effect.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject property is designated UR (Urban Residential, 2.1 to 6.5 dwelling units per acre), is zoned R-10,000 (Single

family Residential dwelling unit on 10,000 square feet), and is currently vacant. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	UR	R-7,000	Single Family Residential
EAST	UR	R-10,000	Single Family Residential
SOUTH	UR	R-10,000	Prestige Assisted Living
WEST	MR1, UR	MDR, R-7,000	Vacant, Mirabella Townhomes

PUBLIC IMPROVEMENTS: The site is bounded to the north by Avenue K which is currently fully dedicated at 100-foot right-of-way and partially improved with two travel lanes in each direction. 30th Street West is improved with two travel lanes in each direction. All utilities can be made available to the site.

ENVIRONMENTAL REVIEW: A final EIR that analyzes the potential impacts of the proposed Projects has been prepared. The Planning Commission, prior to approving the Projects, must certify that the EIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), and find that the identified environmental effects are insignificant, adequately mitigated, or acceptable due to overriding considerations. These required findings are contained in Exhibit "A" of Resolution Nos. 07-46 and 07-47.

Effective January 1, 1991, applicants whose projects have the potential to result in the loss of fish, wildlife, or habitat through urbanization and/or land use conversion are required to pay filing fees as set forth under Section 711.4 of the Fish and Game Code. Pursuant to Section 21089(b) of the Public Resources Code, the approval of a project is not valid, and no development right is vested, until such fees are paid.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 500-foot radius of the project, posted in three places, posted on the subject property, and noticed in a newspaper of general circulation per prescribed procedure.

I. ANALYSIS FOR CUP 07-10

The applicant is requesting approval for a conditional use permit to construct a 41,850 square-foot commercial retail center to include buildings, parking, trash enclosures, landscaping, and drive aisles. The commercial retail center would consist of the following three buildings: a 17,370 square-foot Rite-Aid, a 13,969 square-foot Fresh and Easy Store, and a 10,540 square-foot retail shops building. The stores are oriented to face Avenue K. Two patio areas are provided in front of the retail buildings facing Avenue K.

Access to the project site would be provided from a 36-foot-wide driveway on Avenue K, and from a 35-foot-wide drive aisle on 30th Street West. Internal circulation would be adequately provided between the proposed parcels as shown on the site plan, and reciprocal access, parking and maintenance agreements would be necessary between Parcel Nos. 1-4 for TPM No. 69301. Avenue K and 30th Street West are listed as an increased capacity intersection which would warrant additional improvements. A right-turn lane would be provided on 30th Street West at the driveway and at the intersection with Avenue K. The proposed median on 30th Street West would limit the driveway access to right turns. A right-turn lane would be provided on Avenue K at the main entrance at the driveway entrance. In addition, a bus turnout with full amenities (benches, shelter, etc.), as per the request of the Antelope Valley Transit Authority (AVTA), would be provided on Avenue K east of the intersection with 30th Street West.

The commercial retail center as proposed meets the municipal code standards for parking. The construction of the commercial retail center would require one parking space for every 200 square feet of retail space. The applicant is proposing 215 parking spaces, which exceeds the requirement by 34 parking spaces. In addition to the on-site parking and circulation, the loading area for the grocery store is located on the south side of the center, and the loading area for the Rite-Aid is located on the west side of the building, separated from the main public parking and traffic circulation. The drive aisles provide separate access to and between the buildings. Walkways between the buildings and drive aisles would be marked with decorative concrete. The applicant has indicated that the circulation pattern may be modified to accommodate front loaded parking in front of Rite-Aid. Should this occur, modification to the site plan would be necessary, and, as such, staff believes the circulation for the site could be improved and is recommending modification to the site plan.

The traffic study recommended implementation of specific mitigation measures, which includes the traffic signal at 27th Street West and Avenue K currently operating at a less than acceptable level of service. Due to the existing condition, staff would recommend that the installation of a traffic signal be programmed through a capital improvement project. The study also indicated that the entrance driveway on Avenue K be widened to 36 feet in width to provide one entry lane and two exit lanes. Lastly, the project affects the intersection of Avenue K-4 and 30th Street West, therefore, the applicant would be conditioned to restripe the street from both sides of Avenue K-4 to 30th Street West, approximately 100 feet east and west of 30th Street West.

Adequate landscaping would be provided for the project. A 10-foot-wide landscape planter is provided adjacent to 30th Street West and Avenue K. Additional landscaping would be provided by a series of tree wells and planters throughout the parking area. A landscape planter would be located along the southerly and easterly boundaries with a six-foot-high screen wall to buffer existing and future residences. Additionally, a wrought iron fence would be attached to the front and back of the Tesco building to secure the 10-foot-wide planter area.

Due to the proximity of adjacent residents east and south of the project site, there are certain aspects of the project that could indirectly affect the residents due to the noise from the delivery and loading

areas, and lighting from buildings and parking lots. Staff is recommending specific conditions to reduce the potential effects. As mentioned above, a landscape planter and a screen wall would be placed along the southerly and easterly boundaries to screen the buildings from the residents. Also, signage would be prohibited on the south and east elevation of the buildings adjacent to the residential property lines. To reduce noise from delivery trucks, an 8-foot-high screen wall planter would screen the loading areas located behind the Fresh and Easy store, and no screen walls are proposed adjacent to Rite-Aid. The delivery hours would be limited between 7:00 a.m. to 10:00 p.m. Although this condition would not prevent noise, it would be limited during the more active daylight and early evening hours, and would prevent delivery activities during normal sleeping hours when noise would be more disruptive. This measure would reduce the impacts of the noise from truck traffic, however, occasional noise from trucks backing up could still be audible to residents to the south and to the east of the delivery area. The back-up noise is intermittent and cannot be mitigated because it is an OSHA requirement. Staff feels these conditions, combined with the City's standard practice of requiring all project and building lighting to be directed onto the site and shielded from surrounding areas, would adequately reduce the impacts of the project from lighting and noise.

The architectural elevations submitted for the center are designed to exhibit a Tuscan style. The Tuscan style combines various elements that are prominent in Mediterranean and Renaissance architecture of the time in the Tuscany region of Italy. Architectural elements that have been incorporated in the center include a modulating façade, various gable designs at key entries, and towers and different roof styles to articulate the roofline. Different colors, stone types and canopies are used to create a visually pleasing building and bring the building down to the human scale. These building components correspond to the basic, common elements of the Tuscan style that include: highly articulated façades, arched corridors, curved, pedimented gables, bell towers, and low, sloping roofs. The shop building elevations include a combination of multi-colored stone veneer and staggered stucco wall surfaces, including suspended multi-colored metal canopies and cornices. The shop building design incorporates plaster wall surfaces as well as a stone veneer base, color palette of earth tones and green colors, wrought-iron gridded work, turrets, mosaic patterns, and large grand cornices. Suspended metal canopies, clay tile roofing at the entry gable elements provide additional detail at each of the shop building frontages. The elevations indicate that the maximum height of the buildings would be approximately 30 feet tall measured from the top of the parapet, to 44 feet tall measured to the top of the copper dome of the retail building, and an average height of 26 feet tall to the top of the parapet of the shop buildings. The Rite-Aid building incorporates the same elements and colors with varying roof lines.

The Fresh and Easy building incorporates the tower element and colors combining with a modern interpretation of Tuscan Architecture. All the buildings have similar color and elements. Additional hardscape areas at retail building entries and patio areas will incorporate decorative colored concrete. Through the incorporation of stepping wall plans, raised gable elements at key entries, and towers which punctuate the length of the front façade of the Fresh & Easy, building massing has been modulated. The Fresh & Easy architectural elements are called the "3 G's" which includes Geometry, Glazing and Green. Fresh & Easy has worked closely with the developer of the shopping center to incorporate these Fresh & Easy elements style. The elevations indicate that the maximum

height of the buildings would be approximately 22 feet tall measured from the top of the main parapet, to 30 feet tall measured to the top of the Fresh & Easy geometric element called the "sail", which is located over the main entrance.

The applicant is requesting two 12-foot tall monument signs and tenant signs, one on Avenue K and the other on 30th Street East. Also, the applicant is requesting one 5-foot tall center identification monument signs on the southeast corner of Avenue K and 30th Street West. The monument signs meet the requirements of the municipal code.

Staff believes that this project would establish a commercial retail center that would provide a variety of goods and services that are not currently available in this area of Lancaster. Staff feels that the proposed conditions of approval will ensure that the commercial retail center operates in a manner consistent with contemporary retailing strategies of customer convenience. The project is consistent with the provisions of the CPD Zone and in conformance with the General Plan Policy 19.1.5, which states: "Ensure that physical attributes of new developments, such as walls and fences, lighting, building design, and signage are attractive and consistent with the overall urban form and/or design theme of the area." Therefore, staff is recommending that the Commission approve the request subject to the proposed conditions, of the project based on the site having sufficient area to accommodate the proposed development, adequate access and services being available for the use, and the lack of significant adverse effects on the surrounding areas.

II. ANALYSIS FOR CUP 05-07

The applicant is requesting construction of 50 Multi-Family Residential dwelling units on approximately 3.0 net acres to include a main gathering area with a community building and outdoor tables, fountains and landscaping. At the time the General Plan No. 04-04 and Zone Change No. 04-05 is in effect, the project would then be consistent with the land use designation of MR2 (Multiple-Family Residential, 15.1 to 30 dwelling units per acre) and HDR (High Density Residential, 15.1 to 30 dwelling units per acre) Zone.

The request for a conditional use permit is required when the development exceeds 10 units and is abutting developed property in the residential zoning (R-10,000). The applicant states that the proposal is for a condominium project, however, the required map to legally separate the units would be reviewed after the conditional use permit has been approved by the Planning Commission. Development standards for the project would be reviewed for a condominium project, which varies slightly in development standard requirements of a two-car garage units and various building code requirements.

Access to the multiple-family project would be provided by a 26-foot-wide drive aisle that connects to the garage units, which are rear loaded. Two-car garages would be required for each townhouse condominium project. Thirteen guest parking spaces are provided along the north entrance drive aisle. A pedestrian gateway and pedestrian access from the north property line to the western sidewalk of the Tesco Building is provided to encourage interaction from the residential complex to

the retail area. A 6-foot-high perimeter block wall and landscape planters would be required on the north, east and south property lines.

The applicant is proposing development of 50 dwelling units on 3.0 net acres, which falls between the entitlement density of 45 dwelling units and the maximum density of 90 dwelling units based on the density requirements of the Municipal Code Section 17.08.100.A.2. To exceed the entitlement density, the applicant must provide additional amenities to benefit the residents of the project. The applicant states that amenities include “energy efficient home with tankless water heater, indoor laundry facilities, a larger private balcony/patio and storage area is provided for each unit, and the connection to the retail center to mitigate traffic, and other impacts to the environment and community.” Additionally the applicant is providing a Community Room, outdoor seating area with tables, and barbeque area. The Community Room would have a private kitchen and seating area for up to 12 people for occasional private parties or events.

The multiple-family units have private balconies and patios, and are attached to a two-car garage. Community amenities include an open space with community room, barbeque, picnic areas and a Paseo. The Paseo as proposed surrounds the multiple-family project and is located in courtyard areas and in between the units as an access to the garage aisles. The applicant states that; “Additional open space proposed is proposed as passive pocket parks and seating area throughout the community.” Such spaces would provide opportunities to sit and enjoy the area with enhanced landscaping.

Open space should be well thought-out and provide distinctive design and unique treatments for the residential community. Typically, using different elevations or grades of planting and layering landscaping creates more interest, depth and height between buildings. That is, changes in grade elevations would provide more interest and privacy to the units surrounding the court yard area directly facing the main open public area. Therefore, staff is recommending that the applicant vary the elevation inside the interior courtyard by 3 feet to provide privacy surrounding the public space.

As shown on the site plan, the front yard setback varies between 20 to 30 feet due to the transitional right-turn lane, 10-foot side yard setback is required to the north and south property lines, and 15-foot rear yard along the east. As proposed the applicant meets the intent of the municipal code.

The residential units are designed with Early California Mission style architecture. Earth tone palettes and distinctive architectural elements, such as arched openings and balconies and window shutters that are reminiscent of early California Mission style, are incorporated into the design to create a charming pueblo that blends in harmoniously with the surrounding community. Height of the building averages 20 feet tall with varying shades of brown. The community room would match the existing residential buildings in color and height.

As proposed, the complex ranges in size from 4 to 6 attached units with up to 3 different floor plans (A to C). The square-footage of the units range in size from 1,632 square feet for Unit “A”, 1,781 square feet for Unit “B” and 1,965 square feet for Unit “C”. The applicant proposes 17 dwelling units “A”, 13 dwelling units “B” and 20 dwelling unit “C” for a total of 50 dwelling units.

PC Staff Report

Conditional Use Permit 07-10, Conditional Use Permit 05-07 & Tentative Parcel Map 69301

Resolution No. 07-48

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The project has the potential to generate 2,963 trips per day, and would be required to complete street improvements on 30th Street West that would include a raised landscaped median with a left-turn pocket at the intersection with the entrance driveway into the project. A transition for a right-turn lane would begin at the south property line for access into the northern commercial project.

The density of the development is consistent with the General Plan designation of MR2 (Multi-Residential, 15.1 to 30 dwelling units per acre); the proposed multifamily project meets the City's zoning requirement for the HDR Zone; and sufficient access, utilities and infrastructure exist or can be extended to serve the project. Therefore, staff is recommending that the Commission approve CUP No. 05-07 with attached findings and conditions.

III. ANALYSIS FOR TENTATIVE PARCEL MAP NO. 69301

Tentative Parcel Map No. 69301 is to create 4 parcels on the site as follows: Parcel No. 1 would be 1.38 acres, Parcel No. 2 would be 1.59 net acres, Parcel No. 3 would be 1.94 net acres, and Parcel No. 4 would be 3.52 net acres. Tentative Parcel Map No. 69301, which is being requested in conjunction with the approval for the commercial retail center and multiple-family residential, would create the four parcels on which the projects would be constructed. The map would require the provision of a reciprocal access, parking and maintenance agreement between the various commercial parcels so that the commercial center will function as a unified development. These types of agreements are common within the City's commercial centers. The residential project would be independent of the commercial project.

Respectfully submitted,

Silvia R. Donovan, Principal Planner

cc: Applicant
Engineer

RESOLUTION NO. 07-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, THE ADOPTION OF ENVIRONMENTAL FINDINGS, THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, MAKING NECESSARY ENVIRONMENTAL FINDINGS PURSUANT TO SECTION 15090-15093 OF THE STATE CEQA GUIDELINES AND APPROVING CONDITIONAL USE PERMIT NO. 05-07, CONDITIONAL USE PERMIT NO. 07-10, AND TENTATIVE PARCEL MAP NO. 69301

WHEREAS, conditional use permits were requested by JP Eliopulos Enterprises, Inc., to construct 3 buildings totaling 41,849 square feet of commercial retail center in the CPD Zone, to construct 50 multiple-family units in the HDR Zone, and for the division of 8.0± net acres into 4 parcels located at the southeast corner of 30th Street West and Avenue K, located on the southeast corner of Avenue K and 30th Street West as shown on the attached site map; and

WHEREAS, an application for the above-described conditional use permits have been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code; and

WHEREAS, a tentative parcel map has been filed by JP Eliopulos Enterprises, Inc., for the division of 8 net acres of land located at the southeast corner of 30th Street West and Avenue K, as shown on the attached site map, into 4 parcels; and

WHEREAS, notice of intention to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval of this parcel map subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on October 22, 2007; and

WHEREAS, this Commission hereby certifies, pursuant to Section 15090(a)(2) of the State CEQA Guidelines that the final EIR was presented to the Commission, and that the Commission reviewed and considered the information contained in the final EIR prior to approving the project; and

WHEREAS, pursuant to Section 15090(a)(3) of the State CEQA Guidelines, this Commission hereby certifies that the final environmental impact report reflects the City's independent judgment and analysis; and

WHEREAS, a final EIR has been prepared for the proposed project under the requirements of the California Environmental Quality Act (CEQA), and the Commission hereby adopts all facts and findings regarding the final EIR and the environmental effects of the proposed project as contained in Exhibit "A" of the Planning Commission Resolution No. 07-46; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of these applications:

1. The proposed 41,849 square feet commercial retail center will be in conformance with the General Plan land use designation of CPD (Commercial Planned Development) for the subject property, and with the following various goals, objectives, policies, and specific actions of the General Plan:
 - Policy 16.4.2 “Promote regional, community and neighborhood retail development needed to serve growing retail demand generated by population growth.”
 - Specific Action 16.4.2(a) “Encourage development of commercial uses so that there are retail stores ready to provide needed local goods and services in newly developing areas.”
 - Policy 19.1.7. “Promote appropriate site design that allows for efficient and attractive developments.”
 - Policy 19.5.5 9d). “Through the development review process, ensure that all exterior wall elevations of building and screen walls have architectural treatments that enhance the appearance of the building or wall.”
2. The proposed 50 multiple-family units will be in conformance with the General Plan land use designation of HDR (High Density Residential) for the subject property, and with the following various goals, objectives, policies, and specific actions of the General Plan:
 - Policy 17.1.2. “Provide sufficient land to accommodate a variety of housing types meeting the economic, lifestyle, and social needs of current and future residents.”
 - Policy 19.5.5 9d). “Through the development review process, ensure that all exterior wall elevations of building and screen walls have architectural treatments that enhance the appearance of the building or wall.”
3. The requested uses at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because on-site lighting will be shielded from residential areas to the east and south of the site, landscape planter and a block wall will be installed on the east and south property lines, the hours for delivery will be limited between 7:00 a.m. to 10:00 p.m., the uses are compatible with residential uses east and south of the site, and sufficient on-site parking will be provided; and

Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the proper yard setbacks, open space requirements and architectural treatment will be provided, the garages will be rear loaded so that noise is buffered by the multiple-family units.

b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because City development standards will be met, proposed landscape planters to the east and south of the site will be planted with shrubs and trees to provide a buffer, and adequate on-site parking and landscaping will be provided. The proposed buildings are of a height compatible with the height limits of the commercial zones, and are designed with adequate setbacks from the adjacent streets.

City development standards will be met, proposed landscape planters to the east and south of the site will be planted with shrubs and trees to provide a buffer and adequate on-site parking and landscaping will be provided. The proposed buildings are of a height compatible with the height limits of the residential zones and are designed with adequate setbacks from the adjacent streets and existing residential zones.

c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and traffic facilities and improvements will be part of the project.

4. The proposed 5.0± net acres is adequate in size and shape to accommodate the building, landscape setback, 215 parking spaces, and loading facilities, landscaping, buildings, and other development features prescribed in the Zoning Ordinance or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed 3.5± net acres is adequate in size and shape to accommodate the building, landscape setback, 13 guest parking spaces, and attached two-car garages, landscaping, buildings, and other development features prescribed in the Zoning Ordinance or as is otherwise required in order to integrate said use with the uses in the surrounding area.

5. The proposed site is adequately served:

a. By Avenue K and 30th Street West, which will be of sufficient width and improved as necessary to carry the anticipated 2,963 daily vehicle trips such use would generate; and

b. By other public or private service facilities, including sewer, water, fire, and police services are required.

6. The proposed project will have effects on the environment, and these effects are insignificant, adequately mitigated, or acceptable due to overriding considerations as noted in Exhibit "A" of the Planning Commission Resolution No. 07-46.
7. There is a need for the proposed commercial shopping center. The center is currently located in a developed area surrounded by single family residential use, in close proximity to multiple-family projects, and the Antelope Valley College. The uses within the center will provide for goods and services to serve the immediate area with commercial retail uses.

WHEREAS, this Commission hereby adopts the following findings in support of approval of this map:

1. The proposed design and improvement of the 4 lot commercial subdivision are consistent with the General Plan land use designation of C (Commercial Planned Development) and MR2 (Multiple-Family) for the subject property.
2. The site is physically suitable for the type and proposed density of development because adequate roadway capacity and infrastructure exist or can be provided, and the site has no topographical constraints.
3. The design and improvement of the subdivision are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not within a sensitive habitat area and all potential impacts are insignificant, can be mitigated as noted in the environmental review section of the staff report, or are acceptable due to overriding considerations as noted in Exhibit "A" of Planning Commission Resolution No. 07-46.
4. The design and improvement of the subdivision are not likely to cause serious public health problems because adequate sewer and water systems will be provided to the project.
5. The design and improvement of the subdivision will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision because all such easements have been incorporated into the proposed public streets (or will be abandoned) prior to recordation of the final map.
6. The proposed subdivision will not adversely affect housing needs of the region because the City has designated sufficient residential land through its General Plan to meet its identified shared of the regional housing need; therefore, the subdivision and use of this site commercial purposes will not be detrimental to regional housing needs.
7. The proposed subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision because the size and configuration of the parcels would allow for such systems; and

WHEREAS, this Commission, after considering all evidence presented, further finds that approval of the proposed conditional use permit will promote the orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts all of environmental findings and statement of overriding consideration as contained in Exhibit "A".
2. This Commission hereby certifies that the information contained in Final EIR SCH# 2007021086 was reviewed and considered prior to making a decision on Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07, and Tentative Parcel Map No. 69301.
3. This Commission hereby adopts all findings set forth in the attached "Exhibit "A", and hereby adopts the Mitigation Monitoring Program (Exhibit "B") set forth in the final EIR.
4. This Commission hereby approves Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07, and Tentative Parcel Map No. 69301 subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 22nd October 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

(I.)

**ATTACHMENT TO PC RESOLUTION NO. 07-48
CONDITIONAL USE PERMIT NO. 07-10
CONDITIONS OF APPROVAL
October 22, 2007**

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 06-16 for Conditional Use Permits shall apply.

STREETS

2. Per direction of the Public Works Director, improve and offer for dedication:
 - 30th Street West at 70 feet of an ultimate 100-foot right-of-way
 - Avenue K at 70 feet of an ultimate 100-foot right-of-way
3. Per the direction of the Public Works Director, design and construct eastbound Avenue K as an increased capacity intersection. Dedicate and improve Avenue K at 58 feet south of centerline for a distance of 360 feet with a 300-foot transition.
4. Per the direction of the Public Works Director, design and construct northbound 30th Street West as an increased capacity intersection. Dedicate and improve 30th Street West at 68 feet east of centerline for a distance of 360 feet with a 300-foot transition
5. Per the direction of the Public Works Director, install a raised landscape median with stamped concrete in 30th Street West.
6. Per the direction of the Public Works Director, install a bus turnout with amenities (benches, shelter, trash receptacle, etc.) on the south side of Avenue K east of the intersection with 30th Street West.
7. Per the direction of the Public Works Director, install a right-turn lane on Avenue K at the entrance driveway. The lane and dedication shall be 12 feet in width and 140 feet in length. A bus turn-out shall be incorporated into the right-turn lane.
8. Per the direction of the Public Works Director, install a right-turn lane on 30th Street West at the intersection with the entrance driveway. The lane and dedication shall be 12 feet in width and 90 feet in length, with a 90-foot transition.
9. Per the direction of the Public Works Director and based on the Traffic Study (traffic mitigation measures), the Avenue K entry driveway shall be 36 feet wide to provide for one entry lane and two exit lanes.

10. Per the direction of the Public Works Director and based on the Traffic Study (traffic mitigation measure), the applicant shall pay for the costs for striping and signage for right-turn lanes (two exit lanes, one left-through/right-through lane) on both sides of Avenue K-4 from 30th Street West approximately 100 feet east and west of 30th Street West. The applicant will coordinate this action with City to restrict parking on Avenue K-4.

DRAINAGE

11. As required in the City's Master Plan of Drainage and per the direction of the Public Works Director, utility crossings shall be designed to allow for future construction of (1) 60 inch reinforced concrete pipe in 30th Street West.
12. Per the direction of the Public Works Director, the trash enclosure wash out drain shall be connected to the drainage clarifier.

OTHER

13. The applicant shall contact the local Postmaster to determine if the location of a postal drop box is desirable in the center. If such a box is desired, the applicant shall pay the Postmaster any fees required for such placement (i.e., purchase of the box) and shall obtain the approval of the Planning Director as to the box location. If the location is in a parking lot or abutting a parking lot, the Director shall consult with the City Traffic official to ensure that a traffic safety hazard will not be created. In the event a box is not desired by the Postal Service, the applicant shall submit a letter from the Postmaster to that effect as a fulfillment of this condition.
14. Per the direction of the Public Works Director, install raised crosswalks (speed tables) in the shopping center parking lot as indicated on the site plan.
15. Secure bicycle parking area(s) shall be provided on site. Design and location of such facilities are subject to review and approval by the Planning Director.
16. Per the direction of the Planning Director, delivery hours shall be limited between 7:00 a.m. and 10:00 p.m.
17. Per the direction of the Planning Director, all lights on the south and east property lines shall be shielded.
18. Per the direction of the Public Works Director, comply with all disabled access requirements.
19. Per the direction of the Planning Director, no signage shall be permitted on the south and east building elevations, along the south and east property lines.

20. Per the direction of the Planning Director, an 8-foot high block wall shall be placed adjacent to delivery truck area next to Tesco building.
21. Per the direction of the Planning Director, mature evergreen trees, a minimum of 24-inch box are required along the east and south property lines, one tree every 30 feet on center. These trees are for screening and are to be maintained in perpetuity.
22. Per the direction of the Planning Director, the trash enclosure shall be covered.
23. Per the direction of the Planning Director, the applicant shall provide on-site area for cart storage and provide electrical device to prevent carts from exiting the site.
24. The applicant shall meet with the Antelope Valley Alcohol, Tobacco and Other Drug Coalition regarding voluntary restrictions on the sale of alcohol. The results of such meeting shall be provided to the Planning Director in the form of a letter.
25. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
26. There shall be no loitering permitted in the premises parking lot or adjacent property under the control of the licensee.
27. The licensee shall be responsible for maintaining free of litter the adjacent to the premises over which it has control.
28. There shall be no coin-operated game machines maintained on the premises at any time.
29. The premises shall remain a neighborhood grocery market, carrying products normally offered for sale in such premises.
30. No wine or distilled spirits shall be sold in bottles or containers smaller than 750 milliliters excluding those items sold in manufacturer pre-packaged multi-unit quantities or "dessert wines" which have been aged two years or more and maintained in corked bottles.
31. No wine shall be sold with an alcoholic content greater than 16 percent by volume except corked finished products aged two years or more.
32. No beer or malt beverage products in cans or bottles with content less than 24 oz. shall be sold as single items on the premises, but must be sold in manufacturer pre-packaged multi-unit quantities.
33. No paper or plastic cups may be given or sold in less than a full package size with the exception of the restaurant operated on the premises.

34. No alcohol advertisements, including neon alcohol signs, shall be visible from the exterior of the premises.-
35. The sale of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m.
36. All employees who sell alcoholic beverages shall successfully complete a responsible alcoholic beverage selling training program, approved by the State Department of Alcoholic Beverage Control within 90 days of hire.
37. A copy of these conditions shall be posted in the employee lounge within the premises.
38. There shall be a posted sign on the exterior of the premises prohibiting smoking within 20 feet of the entrances to the premises.
39. The applicant shall abide by the regulation of the City's ABC Ordinance in effect at the time the conditional use permit is approved.
40. Per the direction of the Planning Director and the Public Works Director, the applicant shall make a good faith effort to coordinate with bordering property owners to replace the existing perimeter wall with a new 6-foot high wall in order to avoid the creation of double walls. Prior to submittal of the grading plans, the applicant shall provide to the Planning Department evidence of communication with abutting property owners, which shall include owners' signature acknowledging the applicant's effort to provide a new wall.
41. Per the direction of the Planning Director the applicant shall modify the site plan to provide for better circulation and modify site plan to provide missing items.
42. Per the direction of the Planning Director, the applicant shall abide by all conditions of Mitigation Monitoring program.

(II.)

**ATTACHMENT TO PC RESOLUTION NO. 07-48
CONDITIONAL USE PERMIT NO. 05-07
CONDITIONS OF APPROVAL
October 22, 2007**

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 06-16.

STREETS

2. Per direction of the Public Works Director, improve and offer for dedication:
 - 30th Street West at 70 feet of an ultimate 100-foot right-of-way
3. Per the direction of the Public Works Director, design and construct northbound 30th Street West as an increased capacity intersection. Dedicate and improve 30th Street West at 68 feet east of centerline for a distance of 360 feet with a 300-foot transition. Per the direction of the Public Works Director, install a raised landscape median with stamped concrete on 30th Street West.
4. Per the direction of the Public Works Director, install a right-turn lane on 30th Street West at the intersection with entrance driveway. The lane and dedication shall be 12 feet in width and 90 feet in length, with a 90-foot transition.
5. Per the direction of the Public Works Director, the City reserves the right to restrict access to right-turn only at the entrance driveway on 30th Street West if the Public Works Director determines that the access restriction is required to address safety concerns or improve the flow of traffic at some point in the future.

DRAINAGE

6. As required in the City's Master Plan of Drainage and per the direction of the Public Works Director, utility crossings shall be designed to allow for future construction of (1) 60-inch reinforced concrete pipe in 30th Street West.

OTHER

7. The applicant shall contact the local Postmaster to determine if the location of a postal drop box is desirable in the center. If such a box is desired, the applicant shall pay the Postmaster any fees required for such placement (i.e., purchase of the box), and shall obtain the approval of the Planning Director as to the box location. If the location is in a parking lot or abutting a parking lot, the Director shall consult with the City Traffic official to ensure that a traffic safety hazard will not be created. In the event a box is not desired by the Postal Service, the

- applicant shall submit a letter from the Postmaster to that effect as a fulfillment of this condition.
8. Secure bicycle parking area(s) shall be provided on site. Design and location of such facilities are subject to review and approval by the Planning Director.
 9. Per the direction of the Planning Director, all lights on the south and east property lines shall be shielded.
 10. Per the direction of the Public Works Director, comply with all disabled access requirements.
 11. Per the direction of the Planning Director and the Public Works Director, the applicant shall make a good faith effort to coordinate with bordering property owners to replace the existing perimeter wall with a new 6-foot high wall in order to avoid the creation of double walls. Prior to submittal of the grading plans, the applicant shall provide to the Planning Department evidence of communication with abutting property owners, which shall include owners' signature acknowledging the applicant's effort to provide a new wall.
 12. Mature evergreen trees, a minimum of 24-inch box, are required along the east and south property lines, one tree every 30 feet on center. These trees are for screening and are to be maintained in perpetuity.
 13. At the time of building permit, sound insulation for proposed residential units will be sufficient to mitigate interior noise below level of 45dBA (mitigation measure No. J-14).
 14. Per the direction of the Planning Director, the applicant shall vary the ground elevations residential buildings that face each other by 3 feet to provide privacy around the open space.
 15. Per the direction of the Planning Director, the applicant shall abide by all conditions of Mitigation Monitoring program.
 16. Per the direction of the Planning Director, the applicant shall modify the site plan and return to staff prior to approval of conditional use permit.

(III.)

**ATTACHMENT TO PC RESOLUTION NO. 07-48
TENTATIVE PARCEL MAP NO. 69301
CONDITIONS OF APPROVAL
October 22, 2007**

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Planning Commission Resolution No. 06-12 (Tentative Parcel Map) shall apply, except Condition Nos. 24-30, 34-36 and 57-62.
2. All off-site improvements required of CUP 05-07 and CUP 07-10 must be installed to the satisfaction of the Public Works Director at the time of development of any parcel within the subdivision for TTM No. 69301.
3. Per the direction of the Planning Director, a phasing plan is required prior to grading.
4. The project may be developed in phases as indicated on the approved site plan. The Planning Director may approve modifications to the phasing plan that do not significantly alter the overall development scheme for the site.
5. If the project is developed in phases, undeveloped portions of the site shall not contribute to blowing debris and dirt or dust. Compliance with this condition will include, where determined necessary by the Planning Director, the placement of temporary curbs or other techniques to minimize the opportunity for vehicles to enter the undeveloped portions of the property.
6. Prior to occupancy, record reciprocal access parking and maintenance agreements to encumber all proposed parcels (Parcel Nos. 1-4) of TPM No. 69301, as approved by the Planning Director and the City Attorney.

STREETS

7. Per the direction of the Public Works Director, the following described property shall be improved and offered for dedication:
 - 30th Street West at 70 feet of an ultimate 100-foot right-of-way
 - Avenue K at 70 feet of an ultimate 100-foot right-of-way
8. Per the direction of the Public Works Director, design and construct eastbound Avenue K as an increased capacity intersection. Dedicate and improve Avenue K at 58 feet south of centerline for a distance of 360 feet with a 300-foot transition back to 50 feet from centerline.

9. Per the direction of the Public Works Director, design and construct northbound 30th Street West as an increased capacity intersection. Dedicate and improve 30th Street West at 68 feet east of centerline for a distance of 360 feet with a 300-foot transition back to 50 feet from centerline.
10. Per the direction of the Public Works Director, the applicant shall widen the northbound 30th Street West approach at the intersection of Avenue K to consist of two left-turn lanes, two through lanes and one right-turn lane.
11. Per the direction of the Public Works Director, install a raised landscape median with stamped concrete in 30th Street West.
12. Per the direction of the Public Works Director, provide a left-turn lane in the raised median in 30th Street West at the driveway. The turn pocket shall be at 10 feet in width, and 200 feet in length with a 90-foot transition.
13. Per the direction of the Public Works Director, install a right-turn lane on Avenue K at the entrance driveway. The lane and dedication shall be 12 feet in width and 140 feet in length. A bus turn-out shall be incorporated into the right-turn lane.
14. Per the direction of the Public Works Director, install a right-turn lane on 30th Street West at the intersection with Avenue K. The lane and dedication shall be 12 feet in width and 150 feet in length, with a 90-foot transition.
15. Per the direction of the Public Works Director, install a right-turn lane on 30th Street West at the intersection with entrance driveway. The lane and dedication shall be 12 feet in width and 90 feet in length, with a 90-foot transition.
16. Per the direction of the Public Works Director, install a bus turnout with amenities (benches, shelter, trash receptacle, etc.) on the south side of Avenue K east of the intersection with 30th Street West.
17. Per the direction of the Planning Director, the applicant shall abide by all conditions of Mitigation Monitoring program.