

STAFF REPORT
City of Lancaster, California

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Date: December 11, 2007

To: Mayor Hearn and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeal of Planning Commission action on General Plan Amendment No. 04-04 and Zone Change No. 04-05, Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07 and Tentative Parcel Map No. 69301**

Planning Commission Recommendation:

- 1) Adopt **Resolution No. 07-216**, a resolution of the City of Lancaster, California, certifying the final environmental impact report, adopting environmental findings, and approving General Plan Amendment No. 04-04 and Zone Change No. 04-05, based on the attached Schematic Plan No. 2.
- 2) Introduce **Ordinance No. 894**, an ordinance of the City Council of the City of Lancaster, California, amending the City Zoning Plan for 8.5± acres located at the southeast corner of Avenue K and 30th Street West, known as Zone Change No. 04-05.
- 3) Adopt **Resolution No. 07-217**, approving Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07, and Tentative Parcel Map No. 69301 consistent with Schematic Plan No. 2.

Original Staff Recommendation:

- 1) Adopt **Resolution No. 07-218**, a resolution of the City of Lancaster, California, certifying the final environmental impact report, adopting environmental findings, and approving General Plan Amendment No. 04-04 and Zone Change No. 04-05 based on Schematic Plan No. 1.
- 2) Introduce **Ordinance No. 895**, an ordinance of the City Council of the City of Lancaster, California, amending the City Zoning Plan for 8.5± acres located at the southeast corner of Avenue K and 30th Street West, known as Zone Change No. 04-05.
- 3) Adopt **Resolution No. 07-219**, approving Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07, and Tentative Parcel Map No. 69301 consistent with Schematic Plan No. 1.

Discussion:

The General Plan Amendment and Zone Change are requests to change the land use designation on 8.5± gross acres located at the southeast corner of Avenue K and 30th Street West from UR (Urban Residential; 2.1 to 6.5 dwelling units per acre) to C (Commercial) Zone on 5± acres of the site and to MR2 (High Density Residential, 15.1 to 30 dwelling units per acre) on 3.5 acres of the site; and change the zoning from R-10,000 (Single-family Residential, one dwelling unit on 10,000 square feet) to CPD (Commercial Planned Development), and HDR (High Density Residential, 15.1 to 30 dwelling units per acre).

The request includes an approval for conditional use permits to construct a 41,850 square-foot commercial retail center and construct a 50-unit townhouse-style condominium project, and a tentative parcel map to create four parcels.

The original design submitted by the applicant (Schematic Design#1) was recommended by staff at the October 22, 2007, meeting as discussed in the attached Planning Commission staff report. The Planning Commission indicated that, although in concept the idea of mixed use and the request for the General Plan and Zone change was favorable, the specific design as proposed required modifications to resolve various issues. The matter was referred back to staff with direction to reconsider the design for the best possible project. The issues of concern were walkability; traffic and safety concerns; buffering between the single family residential and commercial with multiple family (to provide a transition between the single family residential by using high density residential as a technique); safety and restriction on alcohol sales consistent with the provisions historically placed on projects; and a residential design that would elevate the building floor levels by a three-foot differential to provide added privacy for the future residents adjacent to future common open space area.

In response to the Commission's concerns, four schematic designs were presented to the Planning Commission on November 19, 2007. The attached memo to the Planning Commission discusses the different layouts.

The Planning Commission reviewed the alternatives and voted to approve (3-1-1 vote) a layout based on Schematic Plan No. 2 with the commercial zone along the westerly side, and HDR Zone along the easterly side. CUP No. 07-10, CUP No. 05-07 and TPM No. 69301 were approved (3-1-1 vote) with the following design changes related to Schematic Plan No. 2:

1. Entry driveway to the project off of Avenue K to be aligned with Eliopulos Drive to the north.
2. Entry driveway to encompass an access for both the commercial and residential projects ("T" intersection).
3. Relocate the condominiums in the future driveway area to the east.
4. Condominium project units along the east property line shall consist of 50% 1-story and 50% 2-story buildings.
5. Strengthen and provide more pedestrian access between the high density residential and commercial portions of the project.
6. Provide east-west driveway to the south between the commercial and residential portions for emergency access.

On November 20, 2007, CUP No. 05-07, CUP No. 07-10, TPM No. 69301 and GPA No. 04-04 and Zone Change No. 04-05 were appealed by two appellants: the applicant, A.J. Eliopulos Commercial Development Inc., and Mr. Joseph Charles Wordsworth, a neighbor in the vicinity of the project. Mr. Eliopulos appealed the Planning Commission approval of site plan for Schematic Plan No. 2, instead of the submitted plan (Schematic Plan No. 1).

According to the applicant, Schematic Plan No. 2 was submitted for discussion purposes only, and the General Plan Amendment and Zone Change approvals, as well as the related case approvals, are vague. The applicant has stated that only Schematic Plan No. 1 or 1a are viable, given the requirements of the commercial tenants. Further, the applicant contends that the GPA, ZC, and CUP approvals do not conform to the Final EIR.

Mr. Wordsworth filed an appeal based on the Planning Commission's decision for Schematic Plan No. 2, stating that the decision is not in the best interest of the City and the neighborhood. He contends that the project has been inadequately planned and that the environmental impact report has not properly addressed the problems that will exist upon completion of the project.