

**AGENDA ITEM:** 4.

**DATE:** 04-20-09

## **STAFF REPORT**

### **CONDITIONAL USE PERMIT NO. 07-12**

**DATE:** April 20, 2009

**TO:** Lancaster Planning Commission

**FROM:** Planning Department

**APPLICANT:** AV California, LLC

**LOCATION:** 21.32± gross acres located at the northwest corner of 60<sup>th</sup> Street West and Avenue K

**REQUEST:** Construction of a 219,904 square-foot commercial center, anchored by a 139,410 square-foot home improvement store with an attached 31,659 square-foot outdoor garden center; a total of eight buildings and a separate car wash facility are proposed on the project site; one of the buildings would consist of a combined gas station/convenience store; the other buildings would be used for retail, fast food, and a drug store)

**RECOMMENDATION:** Adopt Resolution No. 09-09 approving Conditional Use Permit No. 07-12. The Planning Commission approval of the Conditional Use Permit is not in effect unless the General Plan Amendment and Zone Change are in effect.

**BACKGROUND:** On April 17, 2000, the Planning Commission approved Tentative Tract Map No. 53136 for 23 lots at the northerly portion of the proposed project (APN No. 3203-018-005). The project subsequently expired on April 17, 2002. On February 8, 2005 Council established a policy that individual General Plan Amendments filed prior to October 20, 2004 would be allowed to be processed separately from the City's general plan update. The Council could initiate individual general plan amendments during the City's General Plan updated process if determined that consideration of such amendment would be in the public interest. On March 22, 2005, the City Council determined that an application for a General Plan and Zone Change would be allowed for the project site, the application was filed on March 25, 2005.

On January 17, 2006, a separate map, Tentative Tract Map No. 61992 was approved by the Planning Commission for 23 lots located at the northerly portion of the proposed project. Subsequently the applicant purchased the property to include in the overall application for the General Plan.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) by the General Plan and is zoned R-7,000 (single-family residential one dwelling unit per 7,000 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	Vacant, Single Family Residential
EAST	UR	R-7,000	Single Family Residential
SOUTH	UR	R-7,000	Vacant
WEST	UR	R-7,000	Single Family Residential

PUBLIC IMPROVEMENTS: The site is bounded to the north by future Avenue J-12, to the east by 60<sup>th</sup> Street West, which is fully dedicated at 120-foot right-of-way and partially improved with four northbound lanes and one southbound lane, and to the south by Avenue K, which is partially improved with one lane in each direction, located at the northwest corner of 60<sup>th</sup> Street West and Avenue K. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: A final EIR has been prepared that analyzes the potential impacts of the proposed project. The Planning Commission, prior to taking action on the project, is required to recommend to City Council whether to certify this final EIR and make recommendations on the necessary environmental findings. Ultimately, it will be the responsibility of the City Council to determine whether the EIR was prepared in accordance with the requirements of California Environmental Quality Act (CEQA), and to 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 No. 09-09. The Planning approval of the Conditional Use Permit will be effective not unless the General Plan and Zone Change are approved by the City Council.

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.

ANALYSIS: The applicant is requesting a Conditional Use Permit to construct a 219,904 square-foot commercial center. The commercial center would include various commercial buildings, parking, trash enclosures, and landscaping. The commercial center would consist of eight buildings

oriented to face Avenue K and 60<sup>th</sup> Street West. The commercial center would consist of four drive-through services.

The applicant is proposing to construct the project in two phases. Phase I would encompass the southerly portion of the project site. The applicant is being conditioned to construct the improvements associated with that phase, such as Avenue K and a portion of 60<sup>th</sup> Street West. During Phase II, construction is required for Avenue J-12 and the remainder of 60<sup>th</sup> Street West, including the traffic signal. All the development requirements shall be met for each phase including parking, landscaping, trash enclosures, drainage, and street improvements.

Access to the project site would be provided from three driveway locations on Avenue K, two driveways on 60<sup>th</sup> Street West, and one driveway on Avenue J-12. The northerly most driveway on 60<sup>th</sup> Street West and the middle driveway on Avenue K are designed for full turning movements. A combination right-turn lane and bus turnout would be installed on the north side of Avenue K at the intersection with the first driveway west of 60<sup>th</sup> Street West. A left-turn lane would be provided in the raised median in 60<sup>th</sup> Street West at the intersection with the northerly driveway, as well as a left-turn lane in the raised median in Avenue K at the intersection with the central driveway. The two driveways closest to the intersection and the driveway located at the western edge of the project site on Avenue K would be limited to right-turns only. Avenue K and 60<sup>th</sup> Street West is listed as an increased capacity intersection which warrants additional improvements. An additional northbound through lane would be provided at the intersection of 60<sup>th</sup> Street West and Avenue K at the northbound approach to the intersection. Restriping would take place westbound on Avenue K to accommodate two left-turn lanes. A left-turn lane would be provided in the raised median in 60<sup>th</sup> Street West at the intersection with Avenue J-12. Traffic signals would be installed at the intersection of 60<sup>th</sup> Street West and Avenue J-12. A right-turn lane would be provided for the southbound side of 60<sup>th</sup> Street West at the intersection with Avenue K.

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 250 square feet of retail space or 688 parking spaces, one parking space for every 100 square feet of food use or 162 parking spaces, and one parking space per 5,000 square feet of the garden center or 6 parking spaces. The applicant is proposing 859 parking spaces, which exceeds the requirement by 2 parking spaces. Walkways between the buildings and drive aisles would be marked with decorative concrete.

The Environmental Impact Report recommended implementation of specific traffic mitigation measures, which include widening 60<sup>th</sup> Street West to provide an additional southbound through lane and a westbound left-turn lane, and Avenue K would be widened to provide eastbound and westbound left-turn lanes. For other mitigation measures as listed in the EIR, the applicant would be required to contribute their fair share through traffic and signal impact fees.

Adequate landscaping would be provided for the project. A landscape planter ranging from 20 feet to 30 feet wide would be provided adjacent to 60<sup>th</sup> 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 all sides of the proposed project with a six-foot-high

screen wall to buffer existing residences to the north, and an eight-foot-high screen wall to buffer existing residences to the west. The eight-foot high westerly screen wall is required to mitigate the loading dock and truck noise. The westerly landscape buffer would be approximately 10 to 36 feet wide. An evergreen tree would be planted every 20 feet on center along the westerly planter. Additional screen walls would be constructed around trash compactors, loading areas, and to screen the drive through aisles.

Due to the proximity of residential development north, east and west of the project site, there are certain aspects of the project that could indirectly affect the residents, including noise from the car wash, 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 northerly and westerly boundaries to screen the buildings from the residents. Also, signage would be prohibited on the west elevation of the buildings adjacent to the residential property lines. The delivery hours would be limited between 6:00 a.m. to 9:00 p.m. Although this condition would not prevent noise, it would be limited to 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 west 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 with traditional storefronts, flat roof, and parapet features. Varying parapet heights, geometric angles, and taller "tower" features are proposed to add visual interest and diversity.

The consultant for the applicant engaged in community outreach in the residential neighborhood immediately west of the proposed shopping center site at 60<sup>th</sup> Street West and Avenue K. The outreach area, as defined by staff, consists of 99 single family homes. The purpose of reaching out to the community was to explain the proposed project, determine the level of support or concern, and to address concerns to the extent feasible, so as to create a project that is both beneficial to the city as a whole, and a good fit for the immediately surrounding neighbors. Of the 99 neighbors that the consultant reached out to, there have been either face-to-face meetings or phone/mail correspondence with 44 of them.

The proposed Conditional Use Permit 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 finds 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." Staff is recommending that the Commission approve the request subject

PC Staff Report  
Conditional Use Permit 07-12  
April 20, 2009  
Page 5

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 Therefore, Staff is recommending to the Commission approval of Conditional Use Permit No. 07-12.

Respectfully submitted,

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Christopher Aune, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 09-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, THE ADOPTION OF NECESSARY ENVIRONMENTAL FINDINGS, THE ADOPTION OF THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING CONDITIONAL USE PERMIT 07-12

WHEREAS, conditional use permit was requested by AV Land, LLC to construct eight buildings totaling 219, 904 square feet of commercial retail center in the CPD Zone, as shown on the attached site map; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code; 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, staff has performed necessary investigations, prepared a written report, and recommended that the conditional use permit request be approved; and

WHEREAS, a public hearing on the conditional use permit request was held on April 20, 2009; and

WHEREAS, this Commission hereby recommends to the City Council, certification, pursuant to Section 15090(a)(1) of the California Environmental Quality Act (CEQA) Guidelines, that the final environmental impact report prepared for this proposed project has been completed in compliance with CEQA as described in Section 3 of Exhibit "A" of this resolution; 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 making the recommendation to the City Council; and

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

WHEREAS, this Commission hereby adopts the following finding in support of approval of the application:

1. The proposed 219,904 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 requested use 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 north and west of the site, landscape planter and a block wall will be installed on the west and south property lines, the hours for delivery will be limited between 6:00 a.m. to 9:00 p.m., the uses are compatible with residential uses north, east, and west of the site, and sufficient on-site parking will be provided.

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 north, and west 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.

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.

3. The proposed 21.32± net acres is adequate in size and shape to accommodate the building, landscape setback, 859 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.

4. The proposed site is adequately served:

- a. By Avenue K and 60<sup>th</sup> Street West, which will be of sufficient width and improved as necessary to carry the anticipated 10,770 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.
5. 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. 09-09.
6. There is a need for the proposed commercial shopping center. The center is currently located in a developed area surrounded by single-family residences to the north, east, and west. The uses within the center will provide for goods and services to serve the immediate area with commercial retail uses.

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. The Commission hereby recommends to the City Council adoption of all the environmental findings and the statement of overriding consideration as contained in Exhibit "A:
2. The Commission hereby recommends to the City Council certification that the information contained in the Final EIR was reviewed and considered prior to making a decision on Conditional Use Permit No. 07-12.
3. This Commission hereby recommends to the City Council all findings set forth in attached Exhibit "A", and hereby adopts Mitigation Monitoring Program (Exhibit "B") set forth in the final EIR.
4. This Commission hereby approves Conditional Use Permit No. 07-12 subject to the conditions attached hereto and incorporated herein, that becomes effective when the General Plan and Zone Change are in effect.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of April 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 09-09**  
**CONDITIONAL USE PERMIT No. 07-12**  
**CONDITIONS LIST**  
**April 20, 2009**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution Number 06-16 for Conditional Use Permits shall apply, except for Condition Nos. 5d, 30, and 31 (modified below).
2. All the development requirements shall be met for each phase including parking, landscaping, trash enclosures, drainage, etc.
3. All off-site improvements required for each phase of CUP 07-12 must be installed to the satisfaction of the Director of Public Works prior to occupancy of any structure in that phase.
4. Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Public Works Department, along with required plan check fees, for review and approval prior to the installation of landscaping or irrigation systems. Such plan must be approved prior to issuance of permits. Such plan is to be incorporated into development of the site and shall show size, type, and location of all plants, trees, and irrigation facilities (modified Condition No. 5d).
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 (modified Condition No. 31).
6. Prior to occupancy, record reciprocal access, parking and maintenance agreements to encumber all proposed parcels.
7. Per the direction of the Planning Director, the applicant shall abide by all conditions of the Mitigation Monitoring Program.

**STREETS**

8. The following described property shall be dedicated and improved, in accordance with the phasing schedule in Condition No. 9, per direction of the Director of Public Works and Planning Director:
  - 60<sup>th</sup> Street West at 88 feet of an ultimate 120-foot right-of-way
  - Avenue K at 78 feet of an ultimate 100-foot right-of-way
  - Avenue J-12 (east of Street “C”) at 38 feet of an ultimate 58-foot right-of-way
  - Avenue J-12 (west of Street “C”) at 37 feet of an ultimate 54-foot right-of-way

9. Per the direction of the Director of Public Works and the Planning Director, the applicant shall phase the street improvements and on-site construction as follows:

**PHASE 1:**

- a. Per the direction of the Director of Public Works, construct Avenue K and 60<sup>th</sup> Street West as an increased capacity intersection.
- b. 60<sup>th</sup> Street West at 88 feet of an ultimate 120-foot right-of-way from Avenue K to the end of the transition (approximately 830 feet)
- c. Avenue K at 78 feet of an ultimate 100-foot right-of-way
- d. Per the direction of the Director of Public works, restripe westbound Avenue K to provide 2 left-turn lanes.
- e. Per the direction of the Director of Public Works, install right-turn lanes on Avenue K at the two (2) westerly driveways. The lanes and dedication shall be 12 feet in width and 90 feet in length, with 90-foot transitions.
- f. Per the direction of the Director of Public Works, provide a left-turn lane in the raised median in 60<sup>th</sup> Street West at the intersection with the main entrance driveway. The lane and dedication shall be 200 feet in length with a 120-foot transition. The median shall also be designed and constructed to restrict left-turn egress from the driveway.
- g. Per the direction of the Director of Public Works, provide a left-turn lane in the raised median in Avenue K at the intersection with the central main entrance driveway. The lane and dedication shall be 150 feet in length with a 90-foot transition. The median shall also be designed to restrict left-turn egress from the driveway.
- h. Per the direction of the Director of Public Works, at the intersection of 60<sup>th</sup> Street West and Avenue K, widen 60<sup>th</sup> Street West to provide an additional northbound through lane at the northbound approach to the intersection.
- i. Per the direction of the Director of Public Works, install a combination right-turn lane and bus turnout on the north side of Avenue K, at the first driveway west of 60<sup>th</sup> Street West. The lane and dedication shall be 140 feet in length with a transition per Standard Plan PW-4.
- j. Per the direction of the Planning Director, install an 8-foot-high masonry screen wall adjacent to Pad "C" around trash compactor.
- k. Per the direction of the Director of Public Works, provide a bus stop with amenities (benches, shelter, trash receptacle, etc.) on the west side of 60<sup>th</sup> Street West, south of the intersection at Avenue K.

**THE FOLLOWING TO BE INSTALLED WITH PHASE 2:**

- l. 60<sup>th</sup> Street West at 88 feet of an ultimate 120-foot right-of-way from the end of the transition to Avenue J-12
- m. Avenue J-12 (east of Street "C") at 38 feet of an ultimate 58-foot right-of-way
- n. Avenue J-12 (west of Street "C") at 37 feet of an ultimate 54-foot right-of-way
- o. Per the direction of the Director of Public Works, install a traffic signal at the intersection of 60th Street West and Avenue J-12.
- p. Per the direction of the Director of Public Works, provide a left-turn lane in the raised median in 60th Street West at the intersection with the main entrance driveway. The lane and dedication shall be 200 feet in length with a 120-foot transition. The median shall also be designed and constructed to restrict left-turn egress from the driveway.
- q. Per the direction of the Director of Public Works, provide a bus stop with amenities (benches, shelter, trash receptacle, etc.) on the west side of 60th Street West, south of the intersection at Avenue J-12.
- r. Per the direction of the Public Works Director, the applicant shall place the sidewalk on Avenue J-12 six feet from the curb and maintain the sidewalk and the landscaping from the curb as part of the project.
- s. Per the direction of the Planning Director, install a 12-foot-high masonry screen wall along the northwest side of Major A adjacent to the loading area.
- t. Per the direction of the Planning Director, install a 12-foot-high masonry screen wall along the west side of Lowe's adjacent to the loading area including the trash compactor.
- u. Per the direction of the Planning Director, install a 12-foot high sound wall along the northwest side of PAD "E" and provide a transition (stepped wall) between the 12-foot and the 3-foot screen wall.
- v. Per the direction of the Planning Director, install a 6-foot high screen wall from the 12-foot high sound wall to the western property line.
- w. Per the direction of the Planning Director, install a 3-foot high screen wall from the 12-foot high sound wall south to the landscape planter as shown on the site plan.
- x. Per the direction of the Planning Director, install a 3-foot high screen wall along the southern portion of the drive-through entrance for Pad D, to the end of the drive-through, as shown on the site plan.

- y. Per the direction of the Planning Director, install a 3-foot high screen wall along the southern portion of the drive-through entrance for Pad B, to the end of the drive-through, as shown on the site plan.

**THE FOLLOWING APPLIES TO BOTH PHASES:**

10. Per the direction of the Director of Public Works, widen Avenue K, east of 60<sup>th</sup> Street West to a four-lane roadway, between 60<sup>th</sup> Street West and 45<sup>th</sup> Street West. The developer would contribute its fair share of the funding for this improvement, including the fees required under Condition No. 11.
11. The applicant shall pay a traffic impact fee as adopted by the City Council to be used for the improvement of off-site streets within unincorporated areas of Los Angeles County that would be affected by traffic generated by the project. (All residential and commercial projects within the following boundary are conditioned to pay the traffic impact fee as adopted by City Council to be used for the improvement of offsite streets within the unincorporated areas of Los Angeles County that would be affected by traffic generated by the project). The boundaries are 40<sup>th</sup> Street West to 100<sup>th</sup> Street West from Avenue J-8 to Avenue L-8.
12. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer's engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.

**DRAINAGE**

13. Per the direction of the Director of Public Works, install pervious pavement and retention cells to mitigate runoff to eighty-five percent of the pre-developed flow and to assist in the recharge of the groundwater.
14. All projects where the total landscape area exceeds 5,000 square feet shall be designed to capture on-property run-off for a 10-year rain event through the use of earth berms, drainage swales, subsurface storage, or other approved methodology as per Section 8.50.058A.1 of Landscape Ordinance No. 907. The berms and landscaping shall be aesthetically pleasing.
15. Per the direction of the Public Works Director, the trash enclosures wash out drains shall be connected to the drainage clarifier.
16. Per the direction of the Public Works Director, install metal covers on all trash enclosures.

**OTHER**

17. Per the direction of the City Manager, the applicant shall apply to the City for water allocation in accordance with the City's water allocation policy.
18. Per the direction of the Planning Director, prior to issuance of any permits, the applicant shall get approval from the Planning Director for the location of the backflow preventers and screen wall.
19. 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.
20. Per the direction of the Director of Public Works, design the ADA path of travel with stamped concrete and flat curbs on both sides.
21. Secure bicycle parking area(s) shall be provided on site. Design and location of such facilities are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, loading areas, material and type of fences and walls, and location and screening of above-ground utilities.
22. The Planning Director is authorized to review and approve the elevations of individual buildings proposed within the commercial center to ensure that they are compatible with the architectural design of the overall project.
23. The north and west elevations of the major tenant (currently identified as "Lowe's") shall be fully articulated and shall incorporate materials and colors consistent with those used on the east building elevation (i.e., "360° architectural treatment").
24. Per the direction of the Planning Director, the applicant shall provide an electric device around the perimeter of the site to keep shopping carts from leaving the site; this is required to be shown on the grading plan.
25. Per the direction of the Planning Director, the applicant must provide shopping cart storage in the parking lot area.
26. Per the direction of the Planning Director, delivery hours, parking lot sweeping hours, and trash pick-up hours shall be limited to occur between 6:00 a.m. and 9:00 p.m. The loading dock hours of operation shall be posted on a sign located at Lowe's, Major A, and Pad C.

27. Per the direction of the Planning Director, all lights located on the north and west property lines shall be screened. Any glare from lights shall also be shielded.
28. Per the direction of the Director Public Works, comply with all disabled access requirements.
29. Per the direction of the Planning Director, no signage shall be permitted on the western elevations and the elevations facing Avenue J-12.
30. Per the direction of the Planning Director, prior to occupancy, construct an 8-foot high masonry wall along the westerly property line in Phase I. The construction materials, color, and design of the decorative masonry wall is subject to approval of the Planning Director. The requirement for a perimeter wall maybe modified by the Planning Director in order to prevent the creation of double walls where an adequate wall, which would meet the intent of the condition, is already in existence, or where there will be continuous work in progress on adjacent phases. All walls required by this condition shall meet the structural requirements of the City of Lancaster as specified by the Director of Public Works.
31. Per the direction of the Planning Director, install one evergreen tree spaced every 20 feet on center along the westerly planter.
32. Per the direction of the Planning Director, the applicant shall install a 3-foot high berm and a 3-foot high hedge for screening purposes along 60<sup>th</sup> Street West and Avenue K. The width of the berm shall not be less than 10 feet. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
33. Any trash or graffiti on the premises shall be removed within forty-eight (48) hours.
34. On-site security shall be provided if determined necessary by the Planning Director.
35. The applicant shall provide conduit connections to a minimum of (18) eighteen on-site parking stalls to permit the future installation of charging stations for electric vehicles.
36. Per the direction of the Director of Public Works, approximately 90 percent of the car wash water shall be captured in the conveyor reclaim system.
37. Per the direction of the Planning Director, no individual exterior storage allowed outside the building.
38. Per the direction of the Director of Public Works, add speed tables to reduce vehicle speeds on interior drive aisles.
39. Per the direction of the Planning Director, add a loading area for Pad "C".

Conditions List

Attachment to PC Resolution No. 09-09

Conditional Use Permit No. 07-12

April 20, 2009

Page 7

40. Per the direction of the Planning Director, utility areas shall be incorporated into the design of the building.
41. Per the direction of the Planning Director, all staging areas and turnarounds shall be included in the necessary Biological Studies, or all work shall be conducted within each phase by installation of a fence to determine limits of development.
42. Per the direction of the Planning Director, the applicant shall provide a courtyard area between Pad "B" and Pad "D".
43. Per the direction of the Director of Public Works, the car wash equipment shall achieve a recycling efficiency of 90%.