
INTERNAL MEMO

DATE: JUNE 15, 2009
TO: PLANNING COMMISSION
FROM: PLANNING DEPARTMENT
APPLICANT: A V CALIFORNIA, LLC
SUBJECT: CUP 07-12

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, including revised site plan and conditions.

BACKGROUND:

On May 12, 2009, the City Council approved General Plan No. 05-01 and Zone Change No. 05-01 and certified the final EIR. On April 20, 2009, the Planning Commission recommended approval to the City Council of General Plan No. 05-01 and Zone Change No. 05-01, and continued Conditional Use Permit No. 07-12 for 60 days to allow the applicant to work with staff regarding the following six items: 1). Revise the gas station delivery access; 2). Provide a loading zone for PAD "C"; 3). Research the potential for semi truck parking for PADs "B" and "D"; 4). Conduct additional neighborhood outreach;; 5). Work with the property owners impacted by the fire department access requirement, to come up with an amiable configuration; and 6). Provide a safe route plan for students attending Sundown Elementary School.

ENVIRONMENTAL:

A final EIR that analyzes the potential impacts of the proposed project has been prepared. The City Council, prior to approving the General Plan Amendment and Zone Change, certified on May 12, 2009, that the EIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), and found 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. 09-36, and must also be adopted in conjunction with the approval of this project.

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.

ANALYSIS:

In response to the Commissioners' concerns above, the applicant has made the following modifications:

Item 1. The site plan has been revised to address the gas station delivery access by reconfiguring the circulation pattern and providing sufficient ingress and egress for gasoline tank trucks.

Item 2. A loading zone is included for PAD "C" in the revised site plan. The loading zone is located adjacent to the trash compactor and both will be screened by a block wall and landscaping.

Item 3. For PADs "B" and "D", although the applicant has not included semi truck parking on the site plan, the applicant provided to staff two scenarios to address this concern. Scenario one includes two semi truck parking spaces; one for each PAD located adjacent to the utility areas. The result of this configuration is a loss of 19 parking spaces, interference with handicap access, and reverse maneuvering. Scenario two reveals a configuration that provides one semi truck parking for both PADs located across the 26-foot drive aisle, roughly between PADs "B" and "D". The result of this configuration is a loss of 31 parking spaces. Staff has reviewed a significant number of commercial center plans but found no instance where semi truck parking for these types of proposed establishments has been provided. Staff feels that due to the limited delivery time, significant loss of parking spaces immediately adjacent to the establishments, and potential pedestrian hazards, the current site plan presented without the semi truck parking space is preferred.

Item 4. The applicant followed up on additional neighborhood outreach by sending a mailer to registered voters within a four square mile area of the project, to determine concerns regarding traffic, noise, and lighting. Out of the 960 mailers the applicant received 194 responses with approximately 70 percent responding favorable towards the project and 30 percent in opposition.

Item 5. The applicant engaged those property owners affected by the fire department requirement. All parties approved (including staff and the fire department) to the hammer head turn-around configuration as illustrated on the site plan. The applicant agreed to provide those homeowners with an additional 26 feet of property east of their existing

eastern property lines, and to provide a six-foot tall block wall, perpendicular to the 8-foot high block wall that connects to their side yard gates/wall returns. The applicant will provide landscaping and irrigation to the area on both sides of the wall in accordance with Ordinance No. 907.

Item 6. Working with the school district, the applicant is proposing a student safety plan which includes the following steps to ensure student safety throughout the construction process:

- Ongoing Communication Regarding Construction Schedule
- Placement of crossing guards
- Production and Placement of Pedestrian Detour Signage
- Placement of Barriers to Inhibit Pedestrian Access to the Project Site
- Parent/Student/Teacher Notifications via Direct Mail
- Parental Notifications via Honeywell Telephone System
- On-site Construction Management Best Practices

In addition to responding to the Commissioners' concerns, the applicant has revised the phasing line so that Phase Two only contains the Lowe's building. Therefore, the conditions have been revised accordingly, and all improvements, except one pertaining only to the Lowe's structure, are to be performed for the first phase.

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 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.

BL:CA/jr

Attachments:

PC Staff Report dated April 20, 2009, for CUP No. 07-12

CC Staff Report dated May 12, 2009, for GPA No. 05-01 and ZC 05-01

RESOLUTION NO. 09-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 07-12

WHEREAS, A conditional use permit (CUP 07-12) was requested by AV Land, LLC to construct eight buildings totaling 219,904 square feet of commercial retail center in the CPD Zone, located at the northwest corner of Avenue K and 60th Street West 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 June 15, 2009; and

WHEREAS, pursuant to Section 15090(a)(1) of the State CEQA Guidelines, that the final environmental impact report prepared for this proposed project has been completed in compliance with the California Environmental Quality Act (CEQA) as described in Section 3 of Exhibit "A" of the City Council Resolution No. 09-36; and

WHEREAS, pursuant to Section 15090(a)(2) of the State CEQA Guidelines that the final EIR was presented to the Commission and approved by the City Council on May 12, 2009, and that the Commission reviewed and considered information contained in the final EIR prior to approving this project;

WHEREAS, this Commission, 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 60th 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. This Commission hereby adopts by reference all of the environmental findings, the statement of overriding considerations, and the mitigation monitoring program, as contained in City Council Resolution No. 09-36.

2. This Commission hereby approves Conditional Use Permit No. 07-12 subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 15th day of June 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ATTACHMENT TO PC RESOLUTION NO. 09-09
CONDITIONAL USE PERMIT NO. 07-12
CONDITIONS LIST
June 15, 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 No. 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, per direction of the Director of Public Works:
 - 60th 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, construct Avenue K and 60th Street West as an increased capacity intersection.
10. Per the direction of the Director of Public works, restripe westbound Avenue K to provide 2 left-turn lanes.
11. 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.
12. 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.
13. 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.
14. Per the direction of the Director of Public Works, at the intersection of 60th Street West and Avenue K, widen 60th Street West to provide an additional northbound through lane at the northbound approach to the intersection.
15. 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 60th Street West. The lane and dedication shall be 140 feet in length with a transition per Standard Plan PW-4.
16. Per the direction of the Planning Director, install an 8-foot-high masonry screen wall adjacent to Pad "C" around trash compactor.
17. 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 K.
18. 60th Street West at 88 feet of an ultimate 120-foot right-of-way from the end of the transition to Avenue J-12
19. Avenue J-12 (east of Street "C") at 38 feet of an ultimate 58-foot right-of-way
20. Avenue J-12 (west of Street "C") at 37 feet of an ultimate 54-foot right-of-way
21. Per the direction of the Director of Public Works, install a traffic signal at the intersection of 60th Street West and Avenue J-12.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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 40th Street West to 100th Street West from Avenue J-8 to Avenue L-8.

33. 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

34. 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.
35. 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.
36. Per the direction of the Public Works Director, the trash enclosures wash out drains shall be connected to the drainage clarifier.
37. Per the direction of the Public Works Director, install metal covers on all trash enclosures.

OTHER

38. 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.
39. Per the direction of the Planning Director, prior to issuance of any permits, the applicant shall obtain approval from the Planning Director for the location of the backflow preventers and screen wall.
40. 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.
41. Per the direction of the Director of Public Works, design the ADA path of travel with stamped concrete and flat curbs on both sides.

42. 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.
43. 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.
44. 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").
45. 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.
46. Per the direction of the Planning Director, the applicant must provide shopping cart storage in the parking lot area.
47. 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.
48. Per the direction of the Planning Director, all lights located on the north and west property lines shall be screened to prevent light spillage onto adjacent properties. Any glare from lights shall also be shielded.
49. Per the direction of the Director Public Works, comply with all disabled access requirements.
50. Per the direction of the Planning Director, no signage shall be permitted on the western and northern elevations of Lowe's, the northwestern elevation of Pad "E", and the western elevation of the "shops".
51. 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.
52. Per the direction of the Planning Director, install one evergreen tree spaced every 20 feet on center along the westerly planter.

53. 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 60th 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.
54. Any trash or graffiti on the premises shall be removed within forty-eight (48) hours.
55. On-site security shall be provided if determined necessary by the Planning Director.
56. 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.
57. Per the direction of the Planning Director, no individual exterior storage allowed outside the building.
58. Per the direction of the Director of Public Works, add speed tables to reduce vehicle speeds on interior drive aisles.
59. Per the direction of the Planning Director, utility areas shall be incorporated into the design of the building.
60. 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.
61. Per the direction of the Director of Public Works, the car wash equipment shall achieve a recycling efficiency of 90%.
62. Per the direction of the Planning Director, on behalf of the four properties affected by the hammer-head turn-around, an additional 26 feet of land east of the existing eastern property line shall be deeded to the affected owner(s). The applicant shall install a 6-foot high masonry wall perpendicular to the 8-foot high perimeter wall, connecting to the owners existing side gates/wall returns. Landscaping and irrigation shall be installed to the area on both sides of the wall in accordance with Ordinance No. 907.
63. In the event disputes arise between the applicant and the Planning Director regarding revisions to the approved elevations, or design of subsequent buildings, the matter may be appealed, and the Architectural and Design Commission shall rule on the matter.
64. Per the Planning Director where provided, all deliveries shall be confined (restricted) to designated loading areas so as not to interfere with customer parking and ADA parking, and/or pedestrian access and circulation.

PLANNING COMMISSION

ACTION Continued to 6/18/2009 PC Meeting (7-0-0-0-0)
 for applicant to address issues re loading area, reconsideration
 of 25-ft buffer, providing safe passage for children, and
 public relations outreach with neighbors

DATE: 04-20-09**STAFF REPORT****CONDITIONAL USE PERMIT NO. 07-12**

DATE: April 20, 2009

TO: Lancaster Planning Commission

FROM: Planning Department *BL*

APPLICANT: AV California, LLC

LOCATION: 21.32± gross acres located at the northwest corner of 60th 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 60th 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 60th 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 60th 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 60th Street West. During Phase II, construction is required for Avenue J-12 and the remainder of 60th 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 60th Street West, and one driveway on Avenue J-12. The northernly most driveway on 60th 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 60th Street West. A left-turn lane would be provided in the raised median in 60th 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 60th 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 60th 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 60th Street West at the intersection with Avenue J-12. Traffic signals would be installed at the intersection of 60th Street West and Avenue J-12. A right-turn lane would be provided for the southbound side of 60th 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 60th 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 60th 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 60th 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

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,



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, 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 60th 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 20th day of April 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

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:
 - 60th 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 60th Street West as an increased capacity intersection.
- b. 60th 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 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.
- 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 60th Street West and Avenue K, widen 60th 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 60th 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 60th Street West, south of the intersection at Avenue K.

THE FOLLOWING TO BE INSTALLED WITH PHASE 2:

- l. 60th 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 60th Street West to a four-lane roadway, between 60th Street West and 45th 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 40th Street West to 100th 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 60th 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".

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%.

RESOLUTION NO. 06-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF LANCASTER, CALIFORNIA, ADOPTING CERTAIN
STANDARDIZED CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMITS

WHEREAS, the Planning staff presented to the Planning Commission a list of thirty-nine (39) conditions which are applied to Conditional Use Permits when they are approved by said Commission; and

WHEREAS, the staff explained to the Commission that since these are standard conditions for almost all use permits, it might be more appropriate to adopt them by resolution for reference purposes as it would save staff time in preparing the reports and Commission time in hearing said reports; and

WHEREAS, it was further explained by staff that adoption of these standard conditions and incorporating by reference would be a more efficient and consistent approach to applying said conditions to the use permits approved by the Commission; and

WHEREAS, after discussion, it was the consensus of the Commission that it would be in the best interest of all concerned that the above-mentioned conditions of approval be adopted by resolution and referred to by resolution number for all Conditional Use Permits;

NOW, THEREFORE THE LANCASTER PLANNING COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:

The Planning Commission hereby establishes the following conditions of approval as standard conditions to be used by reference in conjunction with all Conditional Use Permit approvals.

1. Unless otherwise indicated herein, the development of the site shall be in substantial conformance with approved site plans on file in the Planning Department.
2. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
3. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Public Works Director prior to certification of completion and occupancy of the subject buildings.
4. Three (3) copies of a signage plan shall be submitted for approval of the Planning Director at the time of building plan issuance. Such plan shall be comprehensive and

shall include: location, height, square footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.

5. The following items/plans shall be submitted to the Public Works Department, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
 - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
 - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
 - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
 - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 629 and submitted to the Planning 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.
 - e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the residential development guidelines.
6. All necessary permits shall be obtained from the Building and Safety Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
7. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) L.A. Co. Residential Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, Operations Impact Fee, etc.)

8. An encroachment permit shall be obtained from the Public Works Department prior to doing any work within the public right-of-way.
9. Per the direction of the Public Works Director, construct ADA "walk arounds" at all driveways to the specifications of the Public Works Director and install ADA curb ramps at all intersection.
10. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
11. Per direction of the Public Works Director, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.
12. If determined necessary by the Public Works Director, testing of the existing pavement section is to be performed prior to submitting street plans for plan checking. The minimum allowable structural section will be per the City requirement or the soil test recommendation whichever is greater based on the City's Traffic Index for the street. Removal and reconstruction of the street centerline may be necessary to meet the required structural section.
13. Street grades shall meet the specifications of the Public Works Department.
14. Per the direction of the Public Works Director, the asphalt surface course for all arterial streets shall be constructed with rubber modified asphalt. The type of rubber modified asphalt shall be as specified by the City and shall be determined in final design.
15. Per the direction of the Public Works Director, a Dust Control Plan shall be prepared and submitted to the Antelope Valley Air Quality Management District (AVAQMD) in accordance with Rule 403 of the AVAQMD. An approved copy of the Dust Control Plan shall be submitted to Public Works prior to issuance of a grading permit within the City for residential projects of 10 acres or larger and for commercial/industrial projects of 5 acres or larger. In lieu of an approved plan, a letter waiving this requirement shall be submitted.
16. Per the direction of the Public Works Director, the Developer shall install a conduit pull rope, and pull boxes along regional, primary, and secondary arterials to the nearest arterial intersection to be used for future Traffic Signal Communication Interconnect. The interconnect system shall be installed in accordance with the specifications approved by the Traffic Section.

17. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
18. Per the direction of the Public Works Director, install a clarifier or other BMP to treat first flush.
19. Per the direction of the Public Works Director, if the project is located in Flood Zone AO (1), elevate the building one foot above the highest adjacent grade.
20. Mitigate onsite nuisance water and developmental storm water runoff to the satisfaction of the Public Works Director.
21. Box culverts or other structures acceptable to the Public Works Director are required at all intersections with arterial streets to eliminate nuisance water from crossing the streets above ground. (No cross gutters allowed).
22. Prior to occupancy, the property shall be annexed into the Lancaster Lighting District.
23. Prior to occupancy, the property shall be annexed into the Lancaster Drainage Maintenance District.
24. Street lights are required per adopted City ordinance or policy.
25. The applicant is hereby advised that the use of any signs, strings or pennants, banners or streamers, clusters of flags and similar attention-getting devices are prohibited, except where there has been prior approval from the Planning Department.
26. If any provision of this permit is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
27. It is further declared and made a condition of this permit that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
28. Prior to occupancy of any buildings or structures, the permittee shall request, not less than forty-eight (48) hours in advance, that on-site inspection be made by the Planning Department to verify that development of the property has occurred in consonance with conditions as enumerated in this permit.
29. Landscape materials, once approved, shall be maintained in perpetuity.

30. This Conditional Use Permit must be used within two (2) years from the date of approval, the Conditional Use Permit will expire. The applicant may, not less than sixty (60) days prior to the expiration date, request a one (1) year extension in writing to the Planning Director. Modifications to the plan, including timing of on and off site improvements that do not raise significant new issues or extend the overall time frame beyond the approval period may be approved by the Planning Director.

NOTE: Issuance of building permits, installation of off-site improvements, and grading of the site do not constitute "use" of the conditional use permit. Under the Zoning Ordinance, construction or other development authorized by the conditional use permit must have commenced. Generally, the City requires that the slab of a major building in the project be poured and inspected in order to consider the permit used, although the circumstances of each case may vary depending on the land use involved.
31. If the project is developed in phases, undeveloped portions of the site shall not contribute to blowing debris, dirt or dust.
32. If the project is developed in phases, all the development requirements shall be met for each phase including parking, landscaping, trash enclosures, drainage, etc.
33. The applicant shall be responsible for notifying the Planning Department in writing of any change in ownership, designation of a new engineer, or a change in the status of the developer, within thirty (30) days of said change.
34. The Planning Director shall execute the necessary documents to ensure the recording of this permit with the County Recorder's Office.
35. This conditional use permit will not be effective until ten (10) working days after the date upon which it is granted by the Planning Commission and until the applicant has executed and returned to the Planning Department an authorized acceptance of the conditions of approval applicable to said permit.
36. Expansion or intensification of the use beyond the approval specified herein would require subsequent review and possible application for amendment. The Planning Director is authorized to approve modifications to the site plan provided such modifications do not substantially change the intent of the approved use, avoid issues raised at the public meeting, or raise new issues not previously addressed.
37. Pursuant to Section 65089.6. of the Government Code, the project will be subject to the Congestion Management Plan (CMP) mitigation requirements, including mitigation fees.

38. Per the direction of Planning, a Phase I Cultural Resource Study is required for any off-site area which will be disturbed by the development, such as staging areas and turn-arounds not covered by the Cultural Resource Study, or all work shall be conducted on the site by installation of a fence to determine limits of development.
39. Prior to the issuance of a grading permit, the applicant agrees to pay a fee to the City of Lancaster in the sum of \$770.00 per gross acre, to be held in the biological mitigation fund as established by the City Council. Additionally, should the applicant be required to pay mitigation fees under the California Department of Fish and Game, these fees can be deducted from the amount collected by the City of Lancaster. Said fee shall be submitted to the Planning Department.

PASSED, APPROVED AND ADOPTED this 21st day of February, 2006, by the following vote:

AYES: Commissioners Baldus, MacPherson and Salazar; Vice Chairman Mann;
Chairman Smith
NOES: None
ABSTAIN: None
ABSENT: None



RONALD D. SMITH, Chairman
Lancaster Planning Commission

ATTEST:




BRIAN S. LUDICKE, Planning Director
City of Lancaster

Council Action

Vote 4-0-0-1 (Absent: Marquez)

STAFF REPORT City of Lancaster, California

PH 3
05/12/09
MVB 

Date: May 12, 2009

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director *BSL*

Subject: **General Plan Amendment No. 05-01 and Zone Change No. 05-01
Northwest Corner of Avenue K and 60th Street West - 22.32 Acres**

Recommendation:

A. Adopt **Resolution No. 09-36**, certifying the final environmental impact report, adopting required environmental findings, adopting a statement of overriding considerations, adopting the mitigation monitoring program for the proposed project, and amending the General Plan land use designation on the subject property from UR (Urban Residential, 2.1-6.5 dwelling units per acre) to C (Commercial).

B. Introduce **Ordinance No. 923**, rezoning the subject property from R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) to CPD (Commercial Planned Development).

Fiscal Impact:

None.

Background:

The general plan amendment and zone change requests were originally filed in March 25, 2005. On July 12, 2007, the City issued a Notice of Preparation for the preparation of an environmental impact report (EIR) for the proposed project. A draft EIR was prepared and circulated for public review in early 2009, with a final EIR prepared in April 2009. The final EIR, general plan amendment, zone change, and an associated conditional use permit for the development of a commercial center on the subject property were considered by the Planning Commission on April 20, 2009. The Commission voted (by a 5-2 vote) to recommend to the Council certification of the final EIR and approval of the general plan amendment and zone change. The Commission also voted (by a 7-0 vote) to continue consideration of the conditional use permit to June 15, 2009, with direction to the applicant to address several specific design concerns regarding the project.

Discussion:

The applicant is requesting an amendment to the City's general plan and a concurrent zone change to allow the subject property to be developed with a commercial center. The site is located within an area that has, over the past few years, had a significant increase in both new

housing construction and approvals for new housing development. The subject property is centrally located to this area of activity; a review of the development activity summary indicates that approximately 3,500 dwelling units have been constructed or approved for development within a mile of this site, in addition to approximately 520 dwelling units that were constructed earlier north of Avenue J-8. Given the lack of commercially-designated land within this area, and the central position of this site, staff believes that the subject property is an appropriate location for long-term commercial use.

Staff feels that the redesignation of the site for commercial use is also consistent with several General Plan policies, including Policy 16.4.2, which states, "Promote regional, community, and neighborhood retail development needed to serve growing retail demand generated by population growth", and Policy 17.1.3, which states, "Provide a hierarchical pattern of attractive commercial developments, which serve regional, community, and neighborhood functions with maximum efficiency and accessibility."

BSL/jr

Attachment:

Resolution No. 09-36

Ordinance No. 923

Planning Commission Staff Report and Resolution No. 09-11

Petitions, emails and letters in opposition to the proposed project - available for review in the City Clerk Department

RESOLUTION NO. 09-36

A RESOLUTION OF THE CITY COUNCIL OF LANCASTER, CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING NECESSARY ENVIRONMENTAL FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING PROGRAM, AND APPROVING AN AMENDMENT TO THE ADOPTED GENERAL PLAN OF THE CITY, KNOWN AS GENERAL PLAN AMENDMENT NO. 05-01

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07 an amendment to the adopted General Plan of the City has been initiated by AV California, LLC to redesignate the subject property from UR (Urban Residential) to C (Commercial); and

WHEREAS, notice of intention to consider the General Plan amendment and zone change of the subject property was given as required in Section 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 General Plan amendment be approved; and

WHEREAS, a public notice was provided as required by law and a public hearing on the General Plan amendment and zone change requests was held before the Planning Commission on April 20, 2009 and the City Council on May 12, 2009; and

WHEREAS, the Planning Commission has recommended approval of the General Plan amendment; and

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

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

WHEREAS, this Council, based on the evidence in the record, hereby adopts the following findings in support of approval of General Plan Amendment No. 05-01:

1. There is a need for the proposed land use designation of C (Commercial) because the commercial designation would provide goods and services to the surrounding residential properties and to establish appropriate infill development.
2. The proposed designations of C will be compatible with the existing land use designation of UR surrounding the project site through the use of development standards, lighting standards, landscaping and masonry walls.
3. The proposed amendment is consistent with and implements **Goal 19** of the General Plan, "to create a well planned community with aesthetically pleasing physical environment."
4. The proposed amendment is consistent with the following goals, objectives, and policies of the General Plan for the reasons stated below:

Objective 16.1: "Achieve and maintain a balance between the number and types of jobs and the amount and cost of housing available within the Lancaster General Plan study area." The project could provide local employment opportunities for current and future residences in the area.

Objective 16.3 "Maintain development patterns and growth which contributes to, rather than detracts from net fiscal gains to the City." The project would add to the inventory of buildable commercial lands.

Policy 16.4.2; "Promote regional, community, and neighborhood retail development needed to serve growing retail demand generated by population growth." The commercial land use designation will allow for the development of retail and service uses in an area that population growth has occurred and is planned for additional urban residential development.

Policy 17.1.3; "Provide a hierarchical pattern of attractive commercial developments which serve regional, community, and neighborhood functions with maximum efficiency and accessibility." This project will be a benefit to the neighborhood in that it represents an upgrade of the existing vacant properties. The location of the project on a regional arterial will serve regional needs. The building is designed to provide valuable retail space in an underserved area. The building design will be compatible with the desired character of the area in its design and materials.

5. The proposed amendment would allow for the development of commercial uses where sufficient street access, public services, and utilities are available, or can be made available, and would not impede the provision of a diversity of housing types within the City.
6. There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment, because the addition of 21.32 ± net acres of Commercial land would allow for the opportunity for a range of goods and services to be provided for residents in the immediate vicinity.

7. The proposed amendment would not adversely affect the economic health of the City, because any future development on the site would be subject to the requirements of the adopted Urban Structure Program, and the site is in an area where all necessary services exist or can be readily provided.
8. The proposed site could be adequately served by necessary services and utilities, including police, fire, electricity, water; sewer, gas, and telephone that already exist in the area, provided that necessary connection and impact fees are paid, based on the standards contained within Objective 15.1 of the General Plan and previous responses from affected service agencies.
9. The proposed amendment will have an effect on traffic and circulation systems as noted in the final environmental impact report and as discussed in Exhibit "A". Mitigation measures exist to reduce this impact in many cases to less than significant; however, remaining significant effects are considered acceptable due to overriding consideration as noted in Section 7 of Exhibit "A".
10. The proposed amendment is in the public interest because the proposed land use designation is compatible with the existing residential to the north, east, and west or can be adequately buffered by landscaping and block walls from adjacent existing land uses to the west; the proposed development allowed under the Commercial designation can be adequately served by streets, utilities, and public services in the area; and, the proposed land use designation would not adversely affect the regional water supply or the City's economic health.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY RESOLVE, DETERMINE AND FIND AS FOLLOWS:

1. The City Council certifies the Final Environmental Impact Report (SCH#2007071049) prepared for GPA 05-01 as stated in this Resolution.
2. The City Council adopts all environmental findings and the statement of overriding consideration as contained in Exhibit "A"; and the mitigation monitoring program attached hereto as Exhibit "B".
3. The City Council hereby approves General Plan Amendment No. 05-01 to redesignate the subject property from UR (Urban Residential, 2.1-6.5 dwelling units per acre) to C (Commercial).

PASSED, APPROVED and ADOPTED this 12th day of May, 2009, by the following vote:

AYES: Council Members: Mann, Sileo, Vice Mayor Smith, Mayor Parris

NOES: None

ABSTAIN: None

ABSENT: Council Member: Marquez

ATTEST:

Geri K. Bryan
GERI K. BRYAN, CMC
CITY CLERK
City of Lancaster

R. Rex Parris
R. REX PARRIS
MAYOR
City of Lancaster

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

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, Shirley Mahoney, Assistant City Clerk City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 09-36, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this 28th day of May, 2009.

(seal)

Shirley Mahoney

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
TRAFFIC, CIRCULATION, AND PARKING							
TRAF-1	At the intersection of 70 th Street West/Avenue K (#5), install traffic signals. The developer would contribute its fair share of the funding for this improvement.	Prior to the issuance of building permits, the applicant shall pay all traffic impact fees, which constitute the fair share of the improvement.	Receipt showing payment of fees.	Development Engineering			
TRAF-2	At the intersection of 62 nd Street West/Avenue K (#6), install traffic signals. The developer would contribute its fair share of the funding for this improvement.	Prior to the issuance of building permits, the applicant shall pay all traffic impact fees, which constitute the fair share of the improvement.	Receipt showing payment of fees.	Development Engineering			
TRAF-3	At the intersection of 60 th Street West/Avenue K (#7), widen 60 th Street West to provide an additional southbound through lane and an additional westbound left lane.	Prior to the granting of occupancy for any buildings on the project site, the required improvement shall be installed.	The required improvements shall be shown on the approved building plans.	Development Engineering			
TRAF-4	At the intersection of 50 th Street West/Avenue K (#8), install traffic signals and widen Avenue K to provide eastbound and westbound left turn lanes. The developer would contribute its fair share of the funding for this improvement.	Prior to the issuance of building permits, the applicant shall pay all traffic impact fees, which constitute the fair share of the improvement.	Receipt showing payment of fees.	Development Engineering			
TRAF-5	At the intersection of 60 th Street West/Avenue K-8 (#10), install traffic signals. The developer would contribute its fair share of the fund for this improvement.	Prior to the issuance of building permits, the applicant shall pay all traffic impact fees, which constitute the fair share of the improvement.	Receipt showing payment of fees.	Development Engineering			

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TRAF-6	At the intersection of 60 th Street West/Avenue L (#12), widen 60 th Street West to provide an additional northbound through lane. The developer would contribute its fair share of the fund for this improvement.	Prior to the issuance of building permits, the applicant shall pay all traffic impact fees, which constitute the fair share of the improvement.	Receipt showing payment of fees.	Development Engineering			
TRAF-7	At the intersection of 50 th Street West/Avenue L (#13), widen Avenue L to provide an additional eastbound through lane and an additional westbound through lane. The developer would contribute its fair share of the funding for this improvement.	Prior to the issuance of building permits, the applicant shall pay all traffic impact fees, which constitute the fair share of the improvement.	Receipt showing payment of fees.	Development Engineering			
TRAF-8	Widen Avenue K, east of 60 th Street West to a four-lane roadway, between 60 th Street West and 45 th Street West. The developer would contribute its fair share of the funding for this improvement.	Prior to the issuance of building permits, the applicant shall pay all traffic impact fees, which constitute the fair share of the improvement.	Receipt showing payment of fees.	Development Engineering			
NOISE							
NOISE-1	Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact name and number in the event of problems.	During construction, sign shall be posted at all times.	Field inspection	Development Engineering			
NOISE-2	An on-site complaint and enforcement manager shall respond to and track complaints and questions related to noise.	During construction	Field inspection	Development Engineering			
NOISE-3	During construction, the contractor shall outfit all equipment, fixed or mobile, with properly operating and maintained exhaust and intake mufflers, consistent with manufacturer's standards.	During construction	Field inspection	Development Engineering			
NOISE-4	Impact tools (e.g., jack hammers, pavement	During construction	Field inspection	Development			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used where feasible. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.			Engineering			
NOISE-5	Stationary noise sources shall be located as far from adjacent receptors as possible.	During construction	Field inspection	Development Engineering			
NOISE-6	No amplified sources (e.g., stereo "boom boxes," etc.) shall be used in the vicinity of adjacent residences during construction.	During construction	Field inspection	Development Engineering			
NOISE-7	Building equipment (e.g., HVAC units) shall be located away from nearby residences, on building rooftops, and properly shielded by either the rooftop parapet or within an enclosure that effectively blocks the line of site of the source from the nearest receptors to the west. The resultant HVAC noise level shall not exceed 45 dBA at the nearest receptors to the west.	Prior to the approval of building plans.	Building plans should show the location of the HVAC units and the screening to be utilized.	Development Engineering and Planning Department			
NOISE-8	For the proposed buildings that would be located on the western edge of the project site, the following design features shall be incorporated: appropriate wing-walls around the truck wells, rubberized gaskets at the loading bays, and acoustically absorptive materials at the primary loading docks of each facility to reduce noise.	Prior to the approval of building plans.	Building plans should show the appropriate features to reduce noise levels.	Development Engineering and Planning Department			
NOISE-9	An eight-foot tall sound wall shall be constructed	Prior to the approval of	Building plans should	Development			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	along the entire western edge of the property, to reduce noise that would reach the existing residences to the west of the project from loading dock operations, maintenance, and truck circulation. During construction, barriers, such as plywood structures or flexible sound control curtains shall be erected between the project site and adjacent sensitive land uses to minimize noise, to the extent feasible.	building plans.	show the location and height of noise walls.	Engineering and Planning Department			
NOISE-10	The noise from the car wash shall not exceed a maximum sound level of 60 dBA at a distance of 100 feet from the eastern exit.	Prior to construction and operation of the car wash, information shall be submitted to the City regarding the noise levels of the equipment to be utilized.	Report shall be reviewed by staff to ensure that the equipment meets the noise levels specified.	Planning Department			
AIR QUALITY							
AIR-1	General contractors shall implement a fugitive dust control program pursuant to the provisions of AVAQMD Rule 403.	Prior to the issuance of building permits	Field inspection	Antelope Valley Air Quality Management District (AVAQMD), Building Inspectors			
AIR-2	All construction equipment shall be properly tuned and maintained in accordance with manufacturers' specifications.	During construction	Field inspection	AVAQMD, Building Inspectors			
AIR-3	General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Construction emissions shall be phased to avoid compression of such activities, and scheduled to avoid emission exceedances, and discontinued during second-stage smog alerts.	During construction	Field Inspection	AVAQMD, Building Inspectors			

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AIR-4	Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.	During construction	Field Inspection	AVAQMD, Building Inspectors			
AIR-5	All construction vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site.	During construction	Field Inspection	AVAQMD, Building Inspectors			
AIR-6	The project applicant shall utilize coatings and solvents that are consistent with applicable AVAQMD rules and regulations.	During construction	Field Inspection	AVAQMD, Building Inspectors			
AIR-7	The project applicant shall install a Stage II Vapor Recovery System for the proposed gasoline dispensing facility that meets CARB's Enhanced Vapor Recovery requirements.	Prior to approval of building plans for car wash and gas station and issuance of building permits	Location of the Stage II Vapor Recovery System shall be depicted on building plans, Field Inspection.	AVAQMD, Building Inspector			
HAZARDS AND HAZARDOUS MATERIALS							
HAZ-1	Prior to issuance of grading permits, the developer shall conduct a focused soil investigation to determine whether pesticides and herbicides are present in the soil on-site. The analytical results of the soil sampling investigation shall be evaluated with regard to California/EPA's California Human Health Screening Levels (CHHSLs) for commercial land use. If soil contaminants exceed these preliminary screening levels, further site characterization, risk assessment, or remediation would be necessary, as described in the Department of Toxic Substances Control (DTSC) Preliminary Endangerment Assessment Guidance Manual.	Prior to vegetation removal, grubbing, grading, stockpile, or construction the City must receive a report from a qualified environmental consultant detailing the focused soil investigation and results.	Prior to final approval of grading plan, issuance of a stockpile permit, or any ground disturbing activities.	City of Lancaster Planning Department and City Engineering Division responsible for reviewing report.			
HAZ-2	Limited soil sampling (or a Phase II) shall be conducted to assess the presence of pesticides or	Prior to vegetation removal, grubbing,	Prior to final approval of grading plan,	City of Lancaster Planning Department			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	<p>herbicides in soil at the project site, as described in Measure HAZ-1. If the results of this Phase II Soil Investigation identify hazardous materials in the soil, the developer shall prepare a Soil Management Plan outlining soil handling procedures to be followed during grading and construction activities. The Soil Management plan shall specify the following:</p> <ul style="list-style-type: none"> • Soils generated by construction activities shall be stockpiled onsite in a secure and safe manner, and sampled prior to reuse or disposal at an appropriate facility; • Specific sampling methodology and laboratory analyses required for reuse and disposal, including criteria for the various Class I, II, and III disposal facilities; • Methods to ensure compliance with applicable laws and regulations for handling, storage, and transport of these materials; and • Any special health and safety precautions to mitigate worker exposure to contaminated soils or sediments, dust control measures to prevent the generation of dust that could migrate off-site, stormwater runoff controls to minimize migration of soils to storm drains. 	grading, stockpile, or construction the City must receive a report from a qualified environmental consultant detailing the focused soil investigation and results.	issuance of a stockpile permit, or any ground disturbing activities.	and City Engineering Division responsible for reviewing report.			
HAZ-3	The developer shall prepare a project-specific Health and Safety Plan (HSP) in accordance with 29 CFR 1910 to protect construction workers and the public during all excavation, grading, and	Prior to vegetation removal, grubbing, grading, stockpile, or construction the City must	Prior to final approval of grading plan, issuance of a stockpile permit, or	City of Lancaster Planning Department and City Engineering Division responsible			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	<p>construction services. The HSP shall identify the following, but not be limited to:</p> <ul style="list-style-type: none"> • A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals; • Specified personal protective equipment and decontamination procedures, if needed; • Safety procedures to be followed in the event suspected hazardous materials are encountered; • Emergency procedures, including route to the nearest hospital; and • The identification of a site health and safety officer and responsibilities of the site health and safety officer. 	receive a project-specific health and safety plan.	any ground disturbing activities.	for reviewing report.			
HAZ-4	<p>Prior to the commencement of excavations, the developer shall conduct a well survey to locate, identify, and confirm all existing groundwater wells on the project site. Information regarding well locations shall be obtained, if available, from DWR, LACPHD, and the former property owners. All wells shall be properly destroyed and removed in accordance with the DWR Well Standards and under permit and inspection from the LACPHD. The well destruction shall be designed to create a sanitary seal that would not conduct vertical water flow in the event that the well is truncated or damaged during operations.</p>	<p>Prior to vegetation removal, grubbing, grading, stockpile, or construction the City must receive a report documenting the locations of any existing groundwater wells and proof of their destruction.</p>	<p>Submittal of report and destruction documentation.</p>	<p>City Engineering Division</p>			
HAZ-5	<p>Any known septic tank(s) shall be removed by a licensed contractor prior to construction activities in accordance with applicable regulations.</p>	<p>Prior to vegetation removal, grubbing, grading, stockpile, or</p>	<p>Submittal of removal documentation.</p>	<p>City Engineering Division</p>			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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		construction the City must receive proof of removal of any onsite septic tanks.					
HAZ-6	The liquid propane AST shall be removed prior to construction activities in accordance with applicable regulations.	Prior to vegetation removal, grubbing, grading, stockpile, or construction the City must receive a project-specific health and safety plan.	Submittal of removal documentation.	City Engineering Division			
HAZ-7	If previously unidentified USTs are encountered during construction, construction in the immediate area shall cease until the UST is removed with oversight from the LADPW. Removal of the UST shall include, to the extent deemed necessary by LADPW, over-excavation and disposal of any impacted soil. Excavated soil shall be managed and disposed of in accordance with the Soil Management Plan described above.	During construction	Submittal of documentation showing discovery of USTs, proper removal and closure.	City Engineering Division, LADPW			
HAZ-8	The contractor shall be required to implement construction best management practices (BMPs) for handling hazardous materials onsite. The use of construction BMPs shall minimize potential negative effects, and shall include, without limitation, the following: <ul style="list-style-type: none"> • Follow manufacturers' recommendations and regulatory requirements for use, storage, and disposal of hazardous materials and petroleum products used in construction; • Avoid overtopping construction equipment fuel tanks; • Properly contain and dispose of grease and oils used for routine maintenance of 	Prior to issuance of grading/building permits.	Site Inspection	Development Engineering Division, City Engineering Division			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>construction equipment; and</p> <ul style="list-style-type: none"> Properly dispose of discarded containers of fuels and other chemicals. 						
GEOLOGY AND SOILS							
GEO-1	<p>A site-specific design-level geotechnical report shall be prepared prior to project approval to address the potential for seismic and geologic impacts, including ground shaking, settlement, soil expansion, and other site-specific geotechnical issues. The investigation, to be conducted by a licensed geotechnical engineer, shall provide design and/or construction recommendations to prevent structural damage to proposed structures and facilities. Geotechnical and seismic design criteria would conform to engineering recommendations consistent with the seismic requirements of the California Building Code (Title 24) additions. At a minimum, the report shall evaluate the following:</p> <ul style="list-style-type: none"> Characteristics of the soil materials at the site. The most appropriate techniques to correct inadequacies in site soils. Design criteria for the most appropriate foundations for proposed structures. The estimated ground settlement rate at each foundation. The necessary subgrade preparation for foundations. Lateral pressures for retaining walls. Pre- and post-development drainage 	Prior to issuance of grading permits	Submittal and approval of site specific geotechnical report.	Development Engineering Division			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	<p>conditions.</p> <ul style="list-style-type: none"> Suitability of site soils for use as backfill. 						
HYDROLOGY AND WATER QUALITY							
HYDRO-1	<p>The project applicant shall adhere to the requirements of the City of Lancaster Master Plan of Drainage as directed by the City of Lancaster Engineering Division. Drainage facilities of the proposed project shall be capable of handling post-project flows from the site to the extent deemed appropriate by the Engineering Division. All improvements to the drainage infrastructure necessary to accommodate the project shall be made by the applicant. All drainage impacts shall be reviewed and approved by the Engineering Division and any additional requirements identified by the Engineering Division shall be incorporated into project specifications.</p>	<p>Prior to the issuance of grading/building permits</p>	<p>Drainage improvements shall be identified on the building plans.</p>	<p>Development Engineering Division, City Engineering Division</p>			
HYDRO-2	<p>Prior to construction of the proposed project, a NOI and SWPPP shall be submitted to the RWQCB in accordance with the NPDES General Construction Permit requirements. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. At a minimum; the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact storm water during construction; site-specific erosion control and storm water quality BMPs to be employed during construction; and an inspection and monitoring program. At a minimum, the following measures</p>	<p>Prior to the issuance of grading permits, a NOI and SWPPP shall be submitted to the RWQCB.</p>	<p>Proof of submittal and approval from the RWQCB. Field inspection during construction.</p>	<p>Development Engineering Division, City Engineering Division</p>			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
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	<p>shall be included as part of the SWPPP to prevent adverse impacts to water quality during project construction:</p> <ul style="list-style-type: none"> • The amount of exposed soil shall be limited and erosion control procedures implemented for those areas that must be exposed. • Grading activities shall be phased so that graded areas are revegetated or otherwise covered as soon as possible following disruption. • Appropriate dust suppression techniques, such as watering and tarping, shall be used in areas that must be exposed. • The area shall be secured to control off-site migration of pollutants. • Construction entrances shall be designed to facilitate removal of debris from vehicles exiting the site, by passive means such as paved/graveled roadbeds, and/or by active means such as truck washing facilities. • Truck loads shall be tarped. • Roadways and parking lots shall be regularly swept to prevent generation of fugitive dust by local traffic. • Simple sediment filters shall be constructed at or near all entrances to any storm drain systems. • During construction and operation, all construction materials shall be handled 						

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>and disposed of in accordance with all applicable laws and regulations. Properly labeled recycling bins shall be utilized for recyclable construction materials including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials and wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed, regulated disposal site by a licensed waste hauler.</p> <ul style="list-style-type: none"> • The developer shall conduct truck wheel cleaning and truck washing to prevent dirt in storm water. • The developer shall keep vehicles in good working order. • Protocols for the investigation and evaluation of any previously unidentified contaminated soils that may be encountered during project construction, including controls that may be required to prevent the migration of contaminated soils into storm water runoff. 						
HYDRO-3	<p>The applicant shall comply with the requirements of the City of Lancaster SWMP. The applicant shall be required to submit and then implement SWMP design features and BMPs that are appropriate and applicable to the proposed change in land use. In accordance with SWMP requirements, the applicant shall provide for the treatment/filtration of on-site runoff before it enters the public storm water conveyance system in order to minimize the introduction of pollutants of concern, as required.</p>	<p>Prior to the approval of grading/building plans, SWMP design features and BMPs shall be identified.</p>	<p>Approval of plans with the design features depicted.</p>	<p>Development Engineering Division, City Engineering Division</p>			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
HYDRO-4	The project applicant shall abandon the existing onsite groundwater supply well in accordance with the requirements of the City of Lancaster and the Lahontan Regional Water Quality Control Board.	Prior to vegetation removal, grubbing, grading, stockpile, or construction the City must receive a report documenting the locations of any existing groundwater wells and proof of their destruction.	Submittal of report and destruction documentation.	City Engineering Division			
BIOLOGICAL RESOURCES							
BIO-1	<p>Nesting and Migratory Birds and Raptors: The following measures would apply on and adjacent to the project site to reduce the potential for impacts to a less than significant level and avoid incidental take or impacts to nesting and migratory birds and raptors.</p> <ul style="list-style-type: none"> To the extent feasible, all vegetation removal must be completed during the non-nesting season (September 1 – March 1). At least 15 days before any project actions (e.g., grading, vegetation removal, etc.), the developer shall have a qualified biologist conduct a pre-construction, migratory bird and raptor nesting survey. The biologist must be qualified to determine the status and stage of nesting efforts by migratory birds and all locally breeding raptor species without causing intrusive disturbance. This survey should conduct focused preconstruction breeding bird surveys to include the great horned owl and red-tailed hawk, as well as other 	Prior to vegetation removal, grubbing, grading, stockpile, or construction the City must receive a report from a biologist advising site free from burrowing owls.	Prior to final approval of grading plan, issuance of a stockpile permit, or any ground disturbing activities.	Planning Department responsible for reviewing report.			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>species protected under the MBTA, in all areas that may provide suitable nesting. It shall also cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.</p> <ul style="list-style-type: none"> If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities should occur within at least 500 feet of the nesting site. The perimeter of the buffer zone shall be fenced or adequately demarcated with staked flagging and construction personnel should be instructed on the sensitivity of the area. The biologist shall also serve as the construction monitor when construction activities would occur near active nest areas to ensure that no inadvertent impacts occur. Measures available as options to address this constraint are dependent on the species and any other protections afforded it, details of the nest site, the nest stage, types and levels of ongoing disturbances, the relevant project actions, and distances involved. Potentially appropriate measures may include one or more of the following as authorized by the USFWS and CDFG: 1) delaying work at the nest site location until either the nest has failed (for non-project related reasons) or seven days after the last young leaves the nest, or 2) taking the young nestlings to a qualified wildlife rehabilitation center. 						
CULTURAL RESOURCES							

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
CUL-1	If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project proponent shall consult with a qualified archaeologist to assess the significance of the find according to CEQA Guidelines Section 15064.5. Any finds shall be documented in a report to the City. If any find is determined to be significant, the project proponent and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.	During construction	Field inspection	Development Engineering Division, Planning Department			
CUL-2	In the event that paleontological resources are discovered during project construction, the project proponent shall notify a qualified paleontologist and the City of Lancaster. The paleontologist shall document the discovery, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossil or fossil bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for	During construction	Field inspection	Development Engineering Division, Planning Department			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	mitigating the effect of the project on the qualities that make the resource important. The plan shall be submitted to the City staff for review and approval prior to implementation.						
CUL-3	If human skeletal remains are uncovered during project construction, the project proponent shall immediately halt work, contact the Los Angeles County coroner to evaluate the remains, contact the City of Lancaster, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County coroner determines that the remains are Native American, the project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641), and the City of Lancaster. Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. All reports filed with the County shall also be provided to the City.	During construction	Field inspection.	Development Engineering Division, Planning Department			
UTILITIES AND PUBLIC SERVICES							
ULT-1	The proposed project shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities that are required by new commercial,	Prior to the approval of building plans	Receipt showing payment of fees	Development Engineering Division			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	industrial and residential developments in an amount proportionate to the demand created by this project. Currently, this finance mechanism is a developer fee per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued.						
VISUAL QUALITY							
VIS-1	The developer shall modify the site design to provide a fully articulated northern elevation for the proposed home improvement center, as reasonable, including either windows or means to open the northern elevation of the home improvement center to the residential neighborhood north of the project site.	Prior to the approval of buildings plans, elevations shall be submitted to the Planning Department for review and approval.	Submittal and approval of the elevations for the Lowes Building (Anchor Bldg).	Planning Department			
VIS-2	The developer shall set any big box store in the shopping center back from Avenue J-12, as feasible, to include a minimum setback of 10 feet of landscaping and then a wall that would not extend more than five feet in height between the proposed surface parking and landscaping. Landscaping will contain, to the extent feasible, both drought-resistant plants, as well as plants that will provide visual color throughout the year.	Prior to the approval of building plans, the appropriate setbacks, wall and landscaping shall be depicted	Submittal and approval of building plans	Development Engineering Division, Planning Department			

EXHIBIT "A"

***FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR THE 60TH STREET WEST
AND AVENUE K COMMERCIAL SHOPPING CENTER
(GENERAL PLAN AMENDMENT 05-01; ZONE CHANGE 05-01, AND CONDITIONAL
USE PERMIT 07-12)
ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NUMBER 2007071049***

1. INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines, 14 Cal. Code of Regs. Section 15091 requires that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Having received, reviewed and considered the Final Environmental Impact Report for the 60th Street West and Avenue K Commercial Shopping Center, dated April 2009 (“FEIR”), which includes but is not limited to the Draft Environmental Impact Report (“DEIR”), Responses to Comments on the DEIR, and all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (“Findings”) are hereby adopted by the City of Lancaster (“City”) in its capacity as the CEQA Lead Agency. These Findings set forth the City’s environmental basis for approval of General Plan Amendment 05-01, Zone Change 05-01, and Conditional Use Permit 07-12. (“proposed project”).

A. Format

These Findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the project and overview of the discretionary actions required for approval of the project, and a statement of the project’s objectives.
- (3) Section 3 provides a summary of the environmental review conducted in accordance with CEQA and the CEQA Guidelines by the City for the project and a summary of public participation in the environmental review for the project.
- (4) Section 4 sets forth findings regarding those environmental impacts which were determined as a result of the Notice of Preparation (NOP) and consideration of comments received during the NOP comment period either not to be relevant to the project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the FEIR which the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of mitigation measures. In

order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the FEIR which will or which may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.

- (6) Section 6 sets forth findings regarding alternatives to the proposed project.
- (7) Section 7 consists of a Statement of Overriding Considerations which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the project outweigh the project's potential unavoidable environmental effects.

B. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of Lancaster, Planning Department, 44933 Fern Avenue, Lancaster, California 93534. The City Planning Department is the custodian of the administrative record for the project.

2. PROJECT SUMMARY

A. Discretionary Actions

These Findings set forth the environmental basis for current discretionary actions to be undertaken by the City for the approval of the project. These actions include approval of General Plan Amendment No. 05-01, Zone Change 05-01, and Conditional Use Permit 07-12.

B. Project Location

The proposed project is located in the western portion of the City. Specifically, the proposed project is located on the northwest corner of 60th Street West and Avenue K. Freeway access to the proposed project is via the Antelope Valley Freeway (State Route 14), located approximately 4 miles east of the site. Direct access from the freeway is via the Avenue K exit westward.

The project site is surrounded primarily by residential uses. The northern boundary of the project site is bordered by Avenue J-12. At the northeastern corner of the project site, where Avenue J-12 and 60th Street West intersect, there are a few older single-family residences surrounded by undeveloped land to their north and west. Across from the northwestern corner of Avenue J-12, and directly west of the project site, are newly developed single-family residences located behind a large retaining wall. East of the project site, across 60th Street West, are the Sunset Point single-family residential homes. The southern perimeter of the project site is bordered by Avenue K. On the south side of Avenue K, southeast of the project site, is a portion of undeveloped land, followed by single-family homes. Directly south of the project site, on the south side of Avenue K are newly constructed homes.

C. Project Description

The project site consists of approximately 22.34 acres proposed for general commercial uses. Under this proposal, the project site would be developed with up to 236,109 square feet of commercial uses, 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. This building would be located on the northeastern corner of the project site, immediately adjacent to the car wash. The other buildings would be used for retail and fast food/restaurant operations. Access would be provided from Avenue J-12, 60th Street West, and Avenue K. Parking would be provided in accordance with the City's Municipal Code. The City of Lancaster General Plan currently designates the project site as Urban Residential (UR) and it is zoned as R-7,000 (single family residential, minimum lot size 7,000 square feet). The general plan amendment and zone change proposed as part of the project would redesignate and rezone the site to Commercial (C) and Commercial Planned Development (CPD), respectively.

D. Project Objectives

The following objectives have been established for the proposed project:

- Provide a commercial shopping center that serves the local community;
- Build an economically sustainable and financially feasible shopping center that provides goods and services to the community in the future, as needed;
- Reduce trips to comparable shopping opportunities elsewhere in the City of Lancaster and/or the Antelope Valley;
- Provide a shopping center that is convenient to both vehicles and pedestrians;
- Provide a use that will generate revenue for the City of Lancaster;
- Create an opportunity for local employment; and
- Create a commercial shopping opportunity that minimizes impacts to the environment and that is compatible with the adjacent residential land uses.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The environmental review process for the proposed project is summarized as follows.

On July 12, 2007, the City issued a Notice of Preparation ("NOP") for the proposed project in accordance with the requirements of CEQA and the CEQA Guidelines; publication of the Notice of Preparation occurred in the Antelope Valley Press on July 25, 2007. The NOP was circulated for a period of thirty (30) days, and a scoping meeting was held on July 25, 2007, at City Hall to solicit comments on the proposed project. The NOP was filed with the State

Clearinghouse on July 12, 2007. The NOP is included in the DEIR as Appendix A. The responses to the NOP are included in Appendix B.

The DEIR was made available and distributed to agencies, interested organizations, and individuals by the City for public review on December 23, 2008. A forty-five day comment period was provided from December 23, 2008 to February 9, 2009. A public hearing was held before the Planning Commission on January 20, 2009, during which opportunity was provided to give oral and written comments on the DEIR. Comments received during the public review period for the DEIR were responded to in the Responses to Comments which was included in the FEIR, dated April 2009. The FEIR was distributed to agencies submitting comments on April 10, 2009.

The following documents comprise the FEIR for the project:

- Draft Environmental Impact Report for the 60th Street West and Avenue K Commercial Shopping Center, dated December 2008 including applicable revisions;
- Comments received on the DEIR and responses to those comments, published in the FEIR, dated April 2009;
- All analysis, attachments, incorporated documents, and references to the documents identified and referenced in the DEIR and FEIR, and submitted to the City as part of the EIR process.

The City Planning Commission considered the FEIR and the project at its hearing on April 20, 2009 for approval of the conditional use permit and to make a recommendation to the City Council on the certification of the FEIR and the general plan amendment and zone change. The City Council will consider the FEIR and the project at a future hearing.

4. ENVIRONMENTAL EFFECTS WHICH WERE DETERMINED TO NOT BE POTENTIALLY AFFECTED BY THE PROJECT

As a result of the NOP circulated by the City beginning on July 12, 2007, the City determined, based upon the threshold criteria for significance, that the proposed project would have no impact on the following potential environmental effects, and therefore, determined that these potential environmental effects would not be addressed in the DEIR. Based upon the environmental analysis presented in the Final EIR, and the comments received from the public on the DEIR, no substantial evidence has been submitted to or identified by the City which indicates that the proposed project would have an impact on the following environmental issues, and therefore no additional analysis beyond what was provided.

1. Agricultural Resources: The project is designated by the Farmland Mapping and Monitoring Program as Urban/Built-Up and is therefore not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. In addition, the site is not subject to a Williamson Act contract. The project site is not currently used for agricultural purposes, and has not been used for agricultural purposes in recent history. Its last use was as part of a golf course.

Adjacent uses are residential. The proposed project would therefore have no impact on agricultural resources at the project site or in the vicinity.

2. Mineral Resources: The California Geological Survey (CGS) and State Mining and Geology Board (SMGB) classify the regional significance of mineral resources in accordance with the California Surface Mining Reclamation Act of 1975. The project site is located in an area classified as MRZ-3, which is considered to be an area of known or inferred mineral occurrence. Although located in an area known to have or believed to have minerals, no mining or quarrying operations are located on the project site. In addition, no mining or quarrying operations are located in the site vicinity. The project site is not zoned or designated by the General Plan for mining operations. The proposed project would therefore have no impact on the availability of a known mineral resource that would be of value to the region and the residents of the state; nor would it have an impact on the availability of an important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

3. Population and Housing: The Draft EIR does not address impacts associated with the displacement of people or housing. The project site is currently vacant and does not contain any housing or people. Therefore, no relocation of residents would be required and no impacts would occur.

4. Traffic, Circulation, and Parking: The Draft EIR did not analysis the third through fifth and seventh bulleted thresholds identified on page 3.3-12 of the Draft EIR for the following reasons:

- The proposed project would neither involve aircraft, nor would the project structures intrude into aircraft flight paths or air traffic spaces. Therefore, the proposed project would have no impact on air traffic patterns that results in substantial safety risks.
- The proposed project would not involve redesign or reconfiguration of roadways, and there would be no incompatible uses. Measures that are needed to mitigate traffic volume effects would eliminate any increase in hazards due to project-generated traffic on area roadways. Therefore, the proposed project would have no impact on road hazards.
- The proposed project would not involve obstruction, redesign, or reconfiguration of roadways. The site's multiple access points would ensure adequate access for emergency service providers. Therefore, the proposed project would have no impact on emergency access.
- The proposed project would not involve obstruction, redesign or reconfiguration of roadways, nor would it affect bus routes or bicycle racks. The proposed project would have no impact on adopted policies, plans, or programs supporting alternative transportation.

5. Noise: The Draft EIR analyzed the first three significance thresholds for noise identified on pages 3.4-7 and 3.4-8 of the Draft EIR. The fourth and fifth criteria were

not discussed because the project site lies outside a two-mile radius of a public airport or a private airstrip. The sixth significance criteria was not discussed since project construction would not involve activities that are typically associated with significant ground-borne vibration (i.e., pile drive, blasting, rock drilling).

6. Hazards and Hazardous Materials: The Draft EIR analyzed the first, second, and fourth significance thresholds identified on pages 3.6-7 and 3.6-8. The remaining significance thresholds were not analyzed further for the reasons identified below.

- The project site is not located within an area covered by an airport land use plan or within two miles of an airport or airstrip. The closest airport is General William J. Fox Airfield, located approximately four miles north of the project site.
- Although construction activities could impede access for emergency response vehicle and therefore interfere with an emergency response plan or emergency evacuation plan, measures to avoid interference with emergency access are addressed in Transportation and Traffic.
- The proposed project is a commercial shopping center. It would not involve the use of hazardous materials within one-quarter mile of an existing school.
- The project is not located in an area classified as a “Wildland Area That May Contain Substantial Forest Fire Risks and Hazards” or a “Very High Fire Hazard Severity Zone” by the California Department of Forestry and Fire Protection. Therefore, the risk for wildland fire is low.

7. Geology and Soils: The Draft EIR did not analyze the last significance threshold on page 3.7-6 for the following reason. The wastewater from the project site would be collected, treated, and disposed of by District 14 of the Sanitation Districts of Los Angeles County. Thus, as the project would not utilize septic systems or alternative wastewater disposal systems, the last significance criteria is not applicable to this impact analysis.

8. Hydrology and Water Quality: The following issues were not analyzed in the Draft EIR for the reasons identified below.

- Place housing within a 100-year flood hazard area: The proposed project does not include construction of any housing and as described above, and the project site is not located within a 100-year floodplain. There would be no impact.
- Place structures within a 100-year floodplain that would impede flows: The proposed project includes the construction of numerous commercial buildings; however, none of these structures would be located within a 100-year flood hazard area. There would be no impact.
- Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam: The

western portion of Lancaster is thought to be an area that could potentially be inundated from catastrophic failure of the California Aqueduct from a section of the aqueduct known as the East Branch Phase I, which was constructed in 2003. The Department of Water Resources (DWR) operates and maintains the aqueduct and also provides dam safety and flood control and inspection services. Therefore, due to the relatively modern construction, the ongoing inspection and maintenance programs administered by DWR, catastrophic failure that would direct flows to the project site is considered to have a very low potential to occur.

- Cause inundation due to seiche, tsunami, or mudflow: Tsunamis are waves caused by an underwater earthquake, landslide or volcanic eruption. Since the project site is located inland, it could not experience a tsunami. A seiche is a rhythmic motion of water in a partially or completely landlocked water body caused by landslides, earthquake-induced ground acceleration, or ground offset. There are no bodies of water large enough in the project vicinity to produce seiches waves that could cause any damage to the project site. Furthermore, the project site is in a relatively flat area with no hillsides; therefore, damage caused by mudflow would be unlikely. Therefore, no impacts would occur.

9. Biological Resources: The City of Lancaster does not have any relevant local policies or ordinances for the protection biological resources nor does the City have any adopted Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan and this issue is not further analyzed in the EIR.

Field reconnaissance and background research conducted as part of this EIR have established that the proposed project would not have a substantial adverse effect on riparian habitat, any sensitive natural community as identified in local or regional plans, policies, or regulations, or by the CDFG or USFWS. Additionally, the proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act. The biological reconnaissance survey identified an artificial concrete pond located on site. This feature does not contain any vegetation, soils, or pooled water. A wetland delineation of the project area is not necessary; there are no wetlands on the project site. The property does not contain any sensitive natural communities, wetlands, or waterways, and no impact pertaining to this issue would occur.

10. Visual Quality: The proposed project would have no impact with respect to the following issue.

Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway: The proposed project is not located within or near an officially designated or eligible scenic highway as determined by the Caltrans Scenic Highway Program. The nearest officially designated scenic highway is a segment of SR-2, which is located over 30 miles from Lancaster's southern border. In addition, the project site is not located within the view corridor of an

officially designated or eligible scenic highway. Therefore, the proposed project would not have an impact on scenic resources within a scenic highway.

5. FINDINGS ON POTENTIALLY SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT IDENTIFIED IN THE DEIR

The following potentially significant environmental impacts were analyzed in the DEIR:

- Land Use, Plans, and Policies
- Population and Housing
- Traffic, Circulation, and Parking
- Noise
- Air Quality
- Hazards and Hazardous Materials
- Geology and Soils
- Hydrology and Water Quality
- Biological Resources
- Cultural Resources
- Public Services and Utility Service Systems
- Visual Quality

Where as a result of the environmental analysis of the proposed project and the identification of project design features, compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures, the following potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that “Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment,” which is referred to herein as “Finding 1.” Where the potential impact can be reduced to less than significant solely through adherence to and implementation of project design features or standard conditions, these measures are considered “incorporated into the project” which mitigate or avoid the potentially significant effect, and in these situations, the City also will make “Finding 1” even though no mitigation measures are required, but will find that the potential impact has been reduced to Less Than Significant through either project design features incorporated into the project or adherence to standard conditions.

Where the City has determined pursuant to CEQA Section 21081((a)(2) and CEQA Guidelines Section 15091(a)(2) that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency, the City’s finding is referred to herein as “Finding 2.”

Where, as a result of the environmental analysis of the proposed project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant

impact, the City has found in accordance CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report,” referred to herein as “Finding 3.”

In making these findings, the City has relied upon the environmental conclusions reached by the experts that prepared the FEIR, including the information, analysis and conclusions in the technical reports prepared and made a part of the FEIR. Although contrary opinions may have been presented in comments submitted on the DEIR and FEIR, the City has weighed those comments against the underlying data, analysis and conclusions in the FEIR, and has reached its conclusions accordingly.

A. LAND USE AND PLANNING

The thresholds of significance for land use and planning impacts are listed in Section 3.1 on page 3.1-8 of the FEIR.

Potential Impact: The proposed project could potentially physically divide an established community.

Finding: The City hereby makes Finding 1 with respect to impacts associated with physically dividing an established community.

Facts in Support of Findings: Although the proposed project would be a new commercial use in the area, it is located on the site of a former commercial use (i.e., the 9-hole golf course that existed in the early 1990’s and before). Additionally, the size and scale of the existing institution uses and the size and orientation of the existing residential uses in the project site vicinity; and the scale of 60th Street West, the proposed project could not be considered a project that would substantially physically divide an established neighborhood. Therefore, the proposed project would have a less than significant impact on substantially dividing an established neighborhood.

Potential Impact: The proposed project would not conflict with the applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

Finding: The City hereby makes Finding 1 with respect to impacts associated with the projects consistency with the City of Lancaster’s General Plan/Zoning Ordinance.

Facts in Support of Findings: In order to achieve approval, the proposed project would require an amendment to the General Plan and Zoning Ordinance, in addition to other entitlements from the City. With approval of these amendments, the proposed project would be consistent with the proposed new land use and zoning designations. In reference to the policies identified in the General Plan, detailed discussions were provided in Chapter 3 of the Draft EIR. The proposed project would not conflict with the policies identified for air quality; cultural resources; geology and soils; public services

and utilities; drainage and water quality; noise; population and job growth; and traffic and circulation. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

Finding: The City hereby makes Finding 1 with respect to impacts to applicable habitat conservation plans and/or natural community conservation plans.

Facts in Support of Findings: As discussed in Section 3.1, on pages 3.1-11 and 3.1-12 of the Draft EIR, the project site has been previously developed and there are no habitat conservation plans or natural community conservation plans which apply to the project site. Therefore, the proposed project would not conflict with any plans and no impacts would occur.

B. POPULATION AND HOUSING

The thresholds of significance for population and housing impacts are listed in Section 3.2 on pages 3.2-4 and 3.2-5 of the FEIR.

Potential Impact: Implementation of the proposed project could induce population growth in Lancaster.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to induce population growth in the City of Lancaster.

Facts in Support of Findings: The proposed project would not involve the development of new homes and would not extend roads or other infrastructure as the project site is located within an urbanized area currently served by existing roads and infrastructure. As a result, the proposed project would not be expected to result in any direct housing-related or indirect infrastructure-related population impacts. However, the construction and operation of the proposed project would create jobs as described in Section 3.2 of the Draft EIR. These jobs are expected to be filled by local residents; however, it is possible that the jobs created by the proposed project could cause some individuals to relocate to the area. The number of jobs that could be created by the proposed project and any increase in population that may occur as a result of individuals relocating to the area are within the SCAG projections for population and housing growth. Therefore, impacts would be less than significant.

C. TRAFFIC, CIRCULATION AND PARKING

The thresholds of significance for traffic, circulation and parking impacts are listed in Section 3.3 on pages 3.3-12 and 3.3-13 of the FEIR.

Potential Impact: Development of the proposed project would increase traffic volumes at area intersections.

Finding: The City hereby makes Finding 1 with respect to impacts to traffic impacts at area intersections.

Facts in Support of Findings: The project will generate additional traffic that will affect off-site intersections within the study area as identified in the Final EIR (Section 3.3 and Appendix C). The Final EIR identified mitigation measures that would reduce impacts at the identified intersections to less than significant. The project applicant/developer will be required to pay traffic impact fees and signal impact fees in conjunction with the issuance of building permits; these fees are intended to mitigate the “fair share” impact of the project on the identified intersections. Therefore, impacts would be less than significant.

Potential Impact: Development of the proposed project would increase traffic volumes on area roadways.

Finding: The City hereby makes Finding 2 and Finding 3 with respect to impacts to roadway segments in the vicinity of the proposed project.

Facts in Support of Findings: The project will generate additional traffic that will affect off-site road segments within the study area as identified in the Final EIR (Section 3.3 and Appendix C). One segment (Avenue K east of 60th Street West – between 60th Street West and 45th Street West) was identified as having a significant impact. A mitigation measure was identified (Mitigation Measure TRAF-8 on page 2-2 of the Final EIR) which would reduce the impacts to a less than significant level. However, most of this segment is not under the jurisdiction of the City of Lancaster as it is unincorporated Los Angeles County property. The City of Lancaster collects a County traffic impact fee in accordance with Ordinance 850 for improvements in the County areas of Avenue L and Avenue K. This funding is held in a special account until such time as the County makes the necessary improvements on Avenue L and K. The City of Lancaster adopts Finding 2 that impacts would be less than significant with implementation of the identified mitigation measure and that the County of Los Angeles should implement this measure. This City of Lancaster also adopts Finding 3 because the City has no guarantee that the improvements will be completed by the County and the potential exists that the impacts would remain significant and unavoidable.

Potential Impact: Development of the proposed project would generate demand for parking.

Finding: The City hereby makes Finding 1 with respect to parking impacts.

Facts in Support of Findings: The site plan contained in the Draft EIR was for conceptual purposes only. While the Draft EIR analysis showed that the conceptual site plan was short on parking, the site plan taken to Planning Commission and City Council for consideration meets the parking requirements contained in the municipal code for the uses and sizes proposed. Therefore, no parking impacts would occur.

D. NOISE

The thresholds of significance for noise impacts are listed in Section 3.4 on pages 3.4-7 through 3.4-11 of the FEIR.

Potential Impact: Project construction could expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: The City hereby makes Finding 3 with respect to construction noise impacts associated with the proposed project.

Facts in Support of Findings: Construction noise levels at and near the project site would fluctuate depending upon the particular type, number, and duration of use of various pieces of construction equipment. Table 3.4.4 and Table 3.4.5 of the Draft EIR show the typical noise levels associated with different phases of construction and types of construction equipment, respectively. Construction phases range from 78 to 89 dBA and equipment ranges from 76 to 101 dBA. The closest residences are approximately 40 feet from the area where construction would occur and may experience noise levels up to 91 dBA. Mitigation measures NOISE-1 through NOISE-8 would reduce the noise impacts to these residences, but not to a less than significant level. Therefore, impacts from construction noise would be significant and unavoidable.

Potential Impact: Operation of the project could expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: The City hereby makes Finding 1 and Finding 3 with respect to operational noise impacts associated with the proposed project.

Facts in Support of Findings: Noise levels generated on the project site by the operation of the heating, ventilation, and air conditioning (HVAC) systems, work conducted inside the home improvement store, site maintenance, and the operation of the gas station/car wash would all be less than significant with implementation of mitigation measures NOISE-1 through NOISE 10. However, the noise levels generated by operations on the loading docks and on-site truck circulation would remain significant even with the incorporation of the mitigation measures due to the close proximity of the loading docks to the adjacent residential uses. Therefore, impacts would remain significant and unavoidable.

Potential Impact: Traffic associated with operation of the project would result in an increase in ambient noise levels on nearby roadways used to access the shopping center.

Finding: The City hereby makes Finding 1 with respect to operational noise impacts associated with project traffic.

Facts in Support of Findings: The Draft EIR examined the potential noise impacts that could occur as a result of traffic on four roadway segments leading to the project site (see

page 3.4-15 of the Draft EIR). In order for an increase in noise levels to be perceptible to the human ear, it generally requires an increase in noise levels of approximately 3 dBA. The proposed project would cause roadway noise in the area to increase by approximately 1 dBA. Therefore, this increase in noise levels would not be perceptible to most individuals and impacts would be less than significant.

E. AIR QUALITY

The thresholds of significance for air quality impacts are listed in Section 3.5 on pages 3.5-13 and 3.5-14 of the FEIR.

Potential Impact: The project could conflict with or obstruct implementation of the applicable air quality plan.

Finding: The City hereby makes Finding 3 with respect to impacts to the applicable air quality plan.

Facts in Support of Findings: As discussed on pages 3.5-14 and 3.5-15 of the Draft EIR, the potential exists for the proposed project to conflict with the air district's Air Quality Management Plan (AQMP). The AQMP does not conclude that individual construction projects would delay the attainment of air quality standards for the basin. Compliance with the rules established by the AVAQMD to reduce construction emissions, including fugitive dust control measures and vehicle maintenance measures, would ensure that project construction would not conflict with the current AQMP. However, the current AQMP is based on land uses, population estimates and employment projections set forth in the applicable general plan. Since the proposed project is requesting to change the existing land use from Urban Residential to Commercial, it would conflict with the assumptions utilized in the current AQMP and impacts would be significant.

Potential Impact: Project construction would generate short-term emissions of criteria air pollutants, including particulate matter and equipment exhaust emissions.

Finding: The City hereby makes Finding 3 with respect to short-term emissions of criteria pollutants.

Facts in Support of Findings: Toxic air contaminants released during construction would not exceed the established thresholds. However, construction of the proposed project would generate air emissions that exceed the thresholds established by the Antelope Valley Air Quality Management District (AVAQMD) for reactive organic gases (ROG). Mitigation measures AIR-1 through AIR-6 were identified which would reduce the air quality impacts; however, the identified measures would not reduce impacts to a less than significant level. Therefore, short-term construction impacts would be significant and unavoidable.

Potential Impact: Project operations would result in an increase in criteria air pollutant emissions due to project-related traffic, stationary sources, and on-site area sources.

Finding: The City hereby makes Finding 1 and Finding 3 with respect to operational air quality emissions associated with the proposed project.

Facts in Support of Findings: The proposed project would generate air quality emissions as a result of its operations. The Draft EIR examined both the criteria pollutant emissions and TACs. Operation of the project would generate criteria pollutant emissions that exceed the AVAQMD thresholds for ROG, NO_x, CO, and PM₁₀. No mitigation measures were identified which would reduce these impacts to a less than significant level; therefore, impacts remain significant and unavoidable (Finding 3).

TAC emissions were also examined and compared to the established thresholds. The proposed project would have a maximum chronic non-carcinogenic hazard index of 0.0081 and a maximum acute hazard index of 0.0012 versus the established threshold of 1. The established cancer threshold is 10 in one million. The proposed project has a 3.87 in one million maximum incremental cancer risk. Therefore, impacts would be less than significant (Finding 1).

Potential Impact: The project would not create objectionable odors affecting a substantial amount of people.

Finding: The City hereby makes Finding 1 with respect to odor impacts.

Facts in Support of Findings: The only uses proposed on the project site that could generate odors are the restaurant pads. These uses would be required to comply with AVAQMD Rule 402 (Nuisance) which specifically addresses odors emanating from restaurant operations. Through compliance with this existing regulation, impacts associated with odors would be less than significant.

Potential Impact: Project traffic would increase localized carbon monoxide concentrations at sensitive receptors in the project vicinity.

Finding: The City hereby makes Finding 1 with respect to impacts associated with carbon monoxide concentrations.

Facts in Support of Findings: Traffic generated by the project was analyzed to determine its potential to affect carbon monoxide (CO) concentrations along surface streets and at sensitive receptors in the project area. The CO concentrations were added to the background CO levels as determined by the air quality monitoring station on Division Street. These totals were then compared to the 1-hour (20 ppm) and 8-hour (9 ppm) standards established by the State of California. The combined totals range from 1.7 to 2.8 ppm which is below both standards. Therefore, impacts are less than significant.

Potential Impact: The project could conflict with implementation of state goals for reducing greenhouse gas emissions and thereby have a negative effect on Global Climate Change.

Finding: The City hereby makes Finding 1 with respect to impacts associated with global climate change.

Facts in Support of Findings: Three considerations were used to determine whether the proposed project could be in conflict with the state goals for reducing greenhouse gas emissions. These considerations were developed from a review of recent publications and actions from CARB and including 1) the potential to conflict with the 44 early action strategies; 2) the amount of greenhouse gas emissions the project is expected to generate compared to the reporting threshold (25 million metric tons of CO₂E/yr) and 3) where the project is energy efficient. It was determined that the project did not conflict with the early action strategies and was energy efficient. The project is also anticipated to generate 21,271 metric tons CO₂E/yr which is less than the reporting threshold. Therefore, impacts would be less than significant.

F. HAZARDS AND HAZARDOUS MATERIALS

The thresholds of significance for land use and planning impacts are listed in Section 3.6 on pages 3.6-7 and 3.6-8 of the FEIR.

Potential Impact: Disturbance and release of contaminated soil during excavation and grading for the project, or transportation of excavated material, could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling.

Finding: The City hereby makes Finding 1 with respect to impacts associated with contaminated soil.

Facts in Support of Findings: According to the Phase I Environmental Site Assessment, no sources of off-site contamination were identified; however, three potential recognized environmental conditions were identified on the project site: 1) an abandoned septic system and an open water well; 2) likelihood of residual pesticides in the soil; and 3) an abandoned 100-gallon, liquid propane AST. Mitigation measures HAZ-1 through HAZ-7 were identified to address these concerns. With implementation of the identified mitigation measures, impacts would be less than significant.

Potential Impact: Disturbance and release of hazardous building components (i.e., asbestos, lead, PCBs) during demolition and construction phases of the project or transport of these materials could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling.

Finding: The City hereby makes Finding 1 with respect to impacts associated with hazardous building components

Facts in Support of Findings: No sources of PCBs were identified on the project site. Due to the age of the buildings that occupied the site, it was possible that asbestos containing materials and lead-based paint could be present in the structures. These buildings were demolished in accordance with all applicable regulations. Evidence of underground storage tanks was not identified during the Phase I surveys. However, in the

event that underground storage tanks are discovered during construction activities, mitigation measure HAZ-7 has been identified which would ensure that any potential impacts remain less than significant. Therefore, impacts associated with hazardous building materials are less than significant.

Potential Impact: Hazardous materials used on-site during construction activities could be released to the environment through improper handling or storage.

Finding: The City hereby makes Finding 1 with respect to hazardous materials impacts during construction activities.

Facts in Support of Findings: Construction activities would require the use of certain hazardous materials such as fuels, oils, solvents, and glues. The inadvertent release of large quantities of these materials could expose workers, the public, and the environment to hazardous conditions. Compliance with Best Management Practices (identified as Mitigation Measure HAZ-8) would ensure that impacts are less than significant.

Potential Impact: Project operations would involve the storage and use of hazardous materials in USTs and the handling of small quantities of general commercial/retail hazardous waste, which could result in potential hazards to the public or the environment.

Finding: The City hereby makes Finding 1 with respect to the storage and use of hazardous materials in USTs and the handling of small quantities of general commercial/retail hazardous waste

Facts in Support of Findings: The storage of gasoline in USTs for operation of the gas station would be in compliance with all applicable laws and regulations governing USTs and gas station operations. The home improvement store and operation of other businesses on the project site would sell and utilize quantities of hazardous materials and potentially generate hazardous waste. These activities would be conducted in accordance with all applicable laws and regulations. Therefore, impacts would be less than significant.

G. GEOLOGY AND SOILS

The thresholds of significance for land use and planning impacts are listed in Section 3.7 on page 3.7-6 of the FEIR.

Potential Impact: Implementation of the proposed project could expose people and structures to strong ground shaking as a result of an earthquake on a regional or nearby fault.

Finding: The City hereby makes Finding 1 with respect to impacts associated with strong ground shaking.

Facts in Support of Findings: The project site is located in a region of significant seismic activity. The primary seismic hazard to the site is strong ground shaking from earthquakes. The nearest active fault is the San Andreas Fault located approximately 4.9

miles southwest of the project site. Potential impacts related to strong ground shaking are considered potentially significant. However, implementation of Mitigation Measure GEO-1 would reduce impacts related to ground shaking to a less than significant level.

Potential Impact: The proposed project could expose people and structures to seismic hazards such as surface fault rupture, soil liquefaction, and landslides.

Finding: The City hereby makes Finding 1 with respect to impacts associated with seismic hazards.

Facts in Support of Findings: The project site is not located in an Alquist-Priolo zone, or in an area that is subject to liquefaction or landslides. Therefore, no seismic hazards are anticipated and impacts would be less than significant.

Potential Impact: Structures, buildings, or other proposed improvements could be subject to geologic hazards, including expansive soils, differential settlement, and erosion.

Finding: The City hereby makes Finding 1 with respect to impacts associated with expansive soils, differential settlement, and erosion.

Facts in Support of Findings: The project has the potential to be located on expansive soil, and cause differential settlement and erosion. As identified in Mitigation Measure GEO-1, a site specific, design level geotechnical study shall be prepared to address any soil conditions that exist which may impact construction. With implementation of the mitigation measure, impacts would be less than significant.

H. HYDROLOGY AND WATER QUALITY

The thresholds of significance for land use and planning impacts are listed in Section 3.8 on pages 3.8-5 and 3.8-6 of the FEIR.

Potential Impact: Development of the project site could alter drainage patterns in the project area, potentially having adverse effects on the volume and/or timing of peak runoff in the municipal storm drain system.

Finding: The City hereby makes Finding 1 with respect to impacts with the altering of drainage patterns.

Facts in Support of Findings: Construction of the proposed project would increase the amount of impervious surfaces on the project site and increase the amount of surface runoff produced. The proposed project would be required to install new drainages facilities in accordance with the City's Master Plan of Drainage (see Mitigation Measures HYDRO-1 and HYDRO-2) to address the increase in surface runoff. With implementation of the identified mitigation measures, impacts would be less than significant.

Potential Impact: Construction activities associated with development of the project could result in construction-related impacts on surface water quality.

Finding: The City hereby makes Finding 1 with respect to impacts surface water quality associated with construction activities.

Facts in Support of Findings: During construction, established groundcover that currently serves to stabilize site soils would be removed, potentially resulting in increased erosion and increased sediment load to any existing or planning storm drain facilities. Construction-related impacts to water quality during construction activities are considered potentially significant if not mitigated. Compliance with Mitigation Measures HYDRO-1 and HYDRO-2 would reduce construction related impacts to a less than significant level.

Potential Impact: Development of the project site could result in increased nonpoint source pollution in stormwater runoff.

Finding: The City hereby makes Finding 1 with respect to impacts associated with an increase in nonpoint pollution in stormwater runoff.

Facts in Support of Findings: Potential increases in the levels of trash, nutrients, bacteria, pesticides and herbicides, and oil and grease could occur from a change in land uses (former golf course to commercial shopping center), which could adversely affect the water quality of stormwater runoff. Post construction water quality impacts resulting from operation of the proposed project are considered potentially significant. However, the proposed project would be required to implement Mitigation Measures HYDRO-1 through HYDRO-3 which require compliance with the Master Plan of Drainage, the NPDES General Construction Permit requirements, and the City's Stormwater Management Plan (SWMP). With implementation of these measures, impacts would be less than significant.

Potential Impact: The existing groundwater well could become a conduit for groundwater contamination if left inactive.

Finding: The City hereby makes Finding 1 with respect to potential groundwater impacts associated with the existing groundwater well.

Facts in Support of Findings: The existing groundwater supply well on the project site would not be utilized to provide water to the proposed project and if left open could potentially create a conduit for groundwater contamination. As described in HYDRO-4, the applicant would be required to abandon the existing well in accordance with the requirements of the City of Lancaster and the Lahontan Regional Water Quality Control Board. With implementation of this mitigation measure, impacts would be less than significant.

I. BIOLOGICAL RESOURCES

The thresholds of significance for biological resource impacts are listed in Section 3.9 on pages 3.9-11 and 3.9-12 of the FEIR.

Potential Impact: Implementation of the proposed project, through habitat modification and construction activities, would affect Nesting/Migratory Birds and Raptors protected by the MTBA.

Finding: The City hereby makes Finding 1 with respect to impacts to nesting/migratory birds on the project site.

Facts in Support of Findings: While most of the trees on the project site were cut down by the applicant without the knowledge or permission of the City, it was determined by the California Fish and Game Warden that no apparent impacts to nesting birds on the project site had occurred. However, some trees, bushes, and vegetation remain on the project site that could provide suitable nesting sites for migratory birds and raptors including the great horned owl and red-tailed hawk. Disturbance of any nesting birds during project construction would be a significant impact. With implementation of BIO-1, this impact would be reduced to a less than significant level.

Potential Impact: Activities associated with the construction of the proposed project could result in adverse impacts to special-status bat species including pallid bat and spotted bat.

Finding: The City hereby makes Finding 1 with respect to impacts to special status bat species.

Facts in Support of Findings: Four buildings on the project site had the potential to harbor bats, some of which may have been special status species. In April 2008, a bat survey was conducted to determine the presence/absence of bats in the building prior to their demolition. No bats (special or otherwise) were found. As the former buildings have been demolished, there is no habitat for bat species on the project site. Therefore, no impacts to bat species would occur.

J. CULTURAL RESOURCES

The thresholds of significance for cultural resource impacts are listed in Section 3.10 on pages 3.10-8 and 3.10-9 of the FEIR.

Potential Impact: Project construction could adversely affect unknown cultural resources, including unique archaeological resources.

Finding: The City hereby makes Finding 1 with respect to impacts to unknown cultural resources on the project site, including archaeological resources.

Facts in Support of Findings: A cultural resources survey was conducted for the project site (see Appendix H of the Draft EIR) and no cultural resources, including

archaeological resources, were identified. However, it is possible that unknown resources exist below the surface and may be encountered during project construction. Compliance with Mitigation Measure CUL-1 would ensure that impacts to any unknown cultural resources are less than significant.

Potential Impact: The proposed project could adversely affect unidentified paleontological resources.

Finding: The City hereby makes Finding 1 with respect to impacts to paleontological resources.

Facts in Support of Findings: While paleontological resources are not expected to be discovered during project construction, significant fossils could be discovered during excavation activities in the older layers of alluvium soil, which occur approximately ten feet below the surface. Fossils encountered during excavation in these soil depths could be inadvertently damaged. Compliance with Mitigation Measure CUL-2 would ensure that impacts to paleontological resources are less than significant.

Potential Impact: Project construction could result in damage to previously unidentified human remains.

Finding: The City hereby makes Finding 1 with respect to impacts to previously unidentified human remains.

Facts in Support of Findings: There is no indication that the project site has been used for human burial purposes in the recent or distant past. Therefore, it is unlikely that human remains would be encountered during construction of the proposed project. However, in the unlikely event that human remains are encountered, the applicant/developer shall be required to comply with Mitigation Measure CUL-3, which would ensure that impacts to human remains are less than significant.

Potential Impact: The proposed project would not have an impact on historic architectural resources.

Finding: The City hereby makes Finding 1 with respect to impacts to historic architectural resources.

Facts in Support of Findings: The former buildings on the project site were evaluated in the cultural resources report to determine if they were eligible for listing as historic resources. These buildings did not qualify for listing and were subsequently demolished because they had become a public safety hazard. No other structures exist on the project site. Therefore, no impacts to historic architectural resources would occur.

L. PUBLIC SERVICES AND UTILITY SERVICE SYSTEMS

The thresholds of significance for public services and utility service system impacts are listed in Section 3.11 on page 3.11-12 of the FEIR.

Potential Impact: The proposed project would not affect the provision of police protection services in the City of Lancaster.

Finding: The City hereby makes Finding 1 with respect to impacts to police protection services.

Facts in Support of Findings: At the time that the Draft EIR was being prepared, the Los Angeles County Sheriff's Department was contacted for information regarding crime statistics, response times, and their input on whether they would be able to provide services or if the project would create a significant impact for them. The information in the Draft EIR reflects the information provided by the Sheriff's Department. Additionally, the Sheriff's Department provided a comment letter on the Draft EIR which explains the programs currently in place which any police protection service issues which may arise (see Comment Letter G.5). Therefore, impacts to police protection services would be less than significant.

Potential Impact: The proposed project could affect the provision of fire protection or emergency medical services in the City of Lancaster.

Finding: The City hereby makes Finding 1 with respect to impacts to the provision of fire protection/emergency medical services.

Facts in Support of Findings: Implementation of the proposed project would increase the service demand on existing fire protection services. The proposed project could potentially require additional manpower and/or equipment to provide fire protection services to this development. The proposed project would be required to install any and all fire protection devices and/or improvements as deemed necessary by the Fire Warden. With incorporation of Mitigation Measure UTILITIES-1 and the Fire Department's standard requirements for commercial developments, project impacts would be less than significant.

Potential Impact: As a commercial project, the proposed project would not be expected to substantially affect school services in the City of Lancaster.

Finding: The City hereby makes Finding 1 with respect to impacts to schools.

Facts in Support of Findings: The proposed project is commercial in nature and is not expected to generate substantial levels of new students impacting the area school systems. The proposed project would be required to pay school impact fees in accordance with SB 50. According to SB 50 payment of these fees would mitigate any potential impact to schools that the project may have.

Potential Impact: The proposed project would not affect park services in the City of Lancaster.

Finding: The City hereby makes Finding 1 with respect to impacts to park services.

Facts in Support of Findings: The proposed project is commercial in nature and employees of the center are not likely to utilize parks in the area. Some employees may use area parks on their lunch hours, but the numbers would be minimal. Therefore, impacts would be less than significant.

Potential Impact: Implementation of the proposed project would not exceed wastewater treatment requirements of the application Regional Water Quality Board or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.

Finding: The City hereby makes Finding 1 with respect to water and wastewater impacts associated with the proposed project.

Facts in Support of Findings: Water supply for the proposed project would be provided from the 1,000-acre feet that Los Angeles County Waterworks has given to the City to utilize on high profile and/or important projects in accordance with the City's Water Allocation Policy. Therefore, impacts to water supply would be less than significant.

Adequate capacity exists in the sewer lines surrounding the project site and at the wastewater treatment plant which would treat the wastewater, to handle the wastewater generated by the project site. Construction of new water or wastewater treatment facilities would not be necessary and impacts would be less than significant.

Potential Impact: The proposed project could potentially cause local landfills to exceed their permitted capacity to accommodate the project's solid waste disposal needs.

Finding: The City hereby makes Finding 1 with respect to solid waste impacts associated with the project.

Facts in Support of Findings: Both the Antelope Valley and Lancaster Landfills have adequate capacity to handle the solid waste generated by the proposed project.

Potential Impact: The proposed project would not affect electrical services in the City of Lancaster that would require new facilities.

Finding: The City hereby makes Finding 1 with respect to impacts associated with electrical services.

Facts in Support of Findings: Southern California Edison has stated that they have sufficient capacity to provide electrical services to the proposed project and new SCE facilities would not be required. Therefore, impacts are less than significant.

Potential Impact: The proposed project would not affect additional gas services in the City of Lancaster and would not require new facilities.

Finding: The City hereby makes Finding 1 with respect to impacts with natural gas services.

Facts in Support of Findings: Southern California Gas has stated that they have sufficient natural gas supply to provide natural gas service to the proposed project and new SCG facilities would not be required. Therefore, impacts are less than significant.

Potential Impact: The proposed project could potentially require or result in the construction of new storm water drainage facilities, or expansion of existing facilities.

Finding: The City hereby makes Finding 1 with respect to impacts to new stormdrain facilities.

Facts in Support of Findings: With incorporation of the mitigation measures identified in Section 3.8 of the Draft EIR (HYDRO-1 through HYDRO-4), the proposed project would have a less than significant impact on storm drainage facilities.

M. VISUAL QUALITY

The thresholds of significance for visual quality impacts are listed in Section 3.12 on page 3.12-8 of the FEIR.

Potential Impact: The proposed project could have an effect on a scenic vista.

Finding: The City hereby makes Finding 1 with respect to impacts on scenic vistas.

Facts in Support of Findings: As discussed on pages 3.12-8 and 3.12-9 of the Draft EIR, there are no officially designated scenic resources visible from the project site or the area immediately surrounding the project site. However, views of the mountains surrounding the Antelope Valley are visible. Some private views would be affected by the proposed development; however, no views from the public right-of-ways would be lost. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would affect the visual quality of the proposed project and its vicinity.

Finding: The City hereby makes Finding 1 with respect to impacts to the visual character of the proposed project.

Facts in Support of Findings: The proposed project will result in development on a currently vacant site. This development would change the views of and through the project site as described on pages 3.12-9 through 3.12-11 of the Draft EIR. Development of the proposed project would meet all of the requirements for commercial development as specified in the zoning ordinance. All views of the project site from the public right-of-ways, except for along Avenue J-12, would be less than significant. Views of the project site from Avenue J-12 would be significant. Mitigation Measures VIS-1 and VIS-2 were identified which would reduce impacts along this roadway to a less than significant level. Therefore, all impacts with respect to the visual character of the site would be less than significant.

Potential Impact: The proposed project would result in new lighting at the project site.

Finding: The City hereby makes Finding 3 with respect to impacts associated with light and glare.

Facts in Support of Findings: As discussed on pages 3.12-11 and 3.12-13 of the Draft EIR, development of the project site would result in an increase in ambient lighting over what currently exists on the project site. The proposed development would comply with all the requirements in the zoning ordinance with respect to lighting. However, even with compliance with the existing zoning ordinance, lighting impacts would remain. No mitigation measures were identified that would reduce impacts to a less than significant level. Therefore, lighting impacts would be significant and unavoidable.

N. CUMULATIVE IMPACTS

Potential Impact: The proposed project would result in less than significant cumulative impacts for land use and planning; population and housing; traffic, circulation, and parking; noise, hazards and hazardous materials; geology and soils; hydrology and water quality; biological resources; cultural resources; utilities and public services; and visual quality (scenic vistas/scenic resources and visual character) and significant and unavoidable cumulative impacts for air quality and visual quality (light and glare).

Finding: The City hereby makes Finding 1 and Finding 3 with respect to cumulative impacts associated with the proposed project.

Facts in Support of Findings: The reasoning for each finding is described below by resource area.

Land Use and Planning: The project area is within the western city limits, mostly surrounded on all sides by residential uses. This area is, for the most part, currently expanding. There are approximately 48 planned residential projects identified on the related projects list. The proposed project is not out of context with other proposed developments in the general area. Increased residential development would require increased commercial development to address demand. The proposed project is consistent on a cumulative level with General Plan Policy 16.4.2 (promote regional, community and neighborhood retail development to serve the growing retail demand generate by population growth). Taken together, the contribution of the proposed project to these 48 residential planned developments, church and multipurpose building and two commercial planned development projects, the proposed project would not result in the division of an established community and therefore would not have a cumulatively considerable impact. Cumulative impacts are therefore considered less than significant. The western area of the City of Lancaster does not fall within any habitat conservation or natural community conservation areas; there would be no impact from a conflict between such an area and proposed cumulative projects. (Finding 1)

Population and Housing: Combined with the effects of other future residential and retail development, implementation of the project could induce population in Lancaster. The proposed project's creation of 345 new full time equivalent jobs would have a beneficial impact to the local economy by reducing the expected imbalance in Lancaster's future

job-to-housing conditions. Combined with the effects of the expected other future residential and retail development, the proposed project would have a less than significant effect on population (including residents and employees) and housing. (Finding 1)

Traffic, Circulation, and Parking: The cumulative analysis for traffic is the same as the analysis that was prepared for the proposed project. Please see Subsection C. (Finding 1)

Noise: Any project that would individually have a significant noise impact would also be considered to have a significant cumulative noise impact. When considered alone, the proposed project would generate noise mainly by adding more traffic to the area. Many of the other anticipated projects would contribute to noise in the area due to increased traffic volumes. As depicted in Table 3.4.8 of the Draft EIR, traffic associated with development of the proposed project in the Future plus Project (2012) scenario would not result in a cumulatively significant noise impact along local roadways. (Finding 1)

Air Quality: Any project that would individually have a significant air quality impact would also be considered to have a significant cumulative impact. As noted in Table 3.5.3 of the Draft EIR, the MDAB is already nonattainment for ozone, PM₁₀ and PM_{2.5}. Existing projects in the MDAB already have caused exceedances of the standard and the project (both the construction and operational phases) would have a cumulatively considerable contribution to this significant cumulative impact. Thus the project contribution to this existing cumulative impact would be significant. (Finding 3)

Hazards and Hazardous Materials: Hazardous material impacts typically occur in a local or site-specific context versus a cumulative context combined with other development projects. The proposed project, with implementation of the identified mitigation measures above, would have a less than significant hazardous materials impact to the public or the environment within the vicinity of the project area. Other foreseeable development within the area, although likely increasing the potential to disturb existing contamination and the handling of hazardous materials, would be required to comply with the same regulatory framework as the project. Therefore, the effect of the project on hazardous materials, in combination with other foreseeable projects, would be less than significant. (Finding 1)

Geology and Soils: The project, combined with other foreseeable development in the area, would result in increased development in an area that would be subject to seismic risks and hazards. Future projects in the vicinity of Lancaster would be required to adhere to all federal, state, and local programs, requirements and policies pertaining to building safety and construction permitting, NPDES permit requirements, and the City's building and grading permit requirements. Therefore, the project, combined with other foreseeable development in the area, would not result in a cumulatively significant geology and soils impact. (Finding 1)

Hydrology and Water Quality: All future projects including the proposed project, are subject to regulations that protect water resources. These regulations include NPDES permit requirements, implementing stormwater pollution prevention plans, and post-development stormwater quality and quantity requirements. Because of these measures,

when considered in combination with other developments similarly bound by the same regulations, the proposed project's incremental contribution to water quality and quantity impacts, with proposed mitigation as detailed below, would not be cumulatively considerable. (Finding 1)

Biological Resources: The proposed project would be developed on a site that does not contain native habitat types and affords very limited opportunities for biological resources, mainly nesting opportunities for birds within the trees at the site. The proposed project is located in an immediate area that has limited sensitive biological resources. Therefore, construction and operation of the proposed project would not appreciably affect sensitive biological species and associated resources to the point where a significant cumulative impact to biological resources would occur. As a result, there would be a less than significant impact to cumulative biological resources. The proposed project would not have individually significant biological impacts after mitigation. In accordance with CEQA, all other related projects would be required to evaluate and mitigate biological impacts on an individual project basis. Therefore, the proposed project would not be cumulatively considerable. (Finding 1)

Cultural Resources: There is the potential for future development projects in the vicinity to disturb landscapes that may contain known or unknown cultural resources. However, future projects with potentially significant impacts to cultural resources would be required to comply with federal, state, and local regulations and ordinances protecting cultural resources through implementation of similar mitigation measures during construction. Therefore, the potential construction impacts of the proposed project would not contribute to a cumulatively significant impact on cultural or paleontological resources. (Finding 1)

Utilities and Public Services: This analysis is based on the Cumulative Projects List provided in Chapter 4. The listed projects include various commercial and residential projects located in the City of Lancaster that are currently under construction, approved but not built, or proposed for development.

- **Fire:** The proposed project would be required to pay commercial impact development fees for fire services. Each proposed related project would also be required to obtain the necessary agreements with the Fire Department (approval of design, widths of entrances, etc). In the event of a project impact, each project from the Cumulative Project List would implement mitigation measure to reduce its potential impacts to less than significant where feasible. The proposed project would not result in a significant impact on fire services, and would therefore not have a cumulatively considerable impact. (Finding 1)
- **Police:** The proposed project does not have an individually significant impact on law enforcement services. In the event of a related project impact, each project from the Cumulative Project List would implement mitigation measures to reduce its potential impacts to less than significant where feasible. Therefore, the proposed project, in conjunction with the listed projects, would have less than a significant cumulative impact related to police protection services. (Finding 1)

- Schools: The proposed project is required to pay commercial impact development fees for educational services, per SB 50. In the event of a related project, it would implement the appropriate mitigation measures necessary to reduce their potential impacts to less than significant where feasible. Therefore, the proposed project would not significantly impact schools services and would not have a cumulative impact. (Finding 1)
- Parks: The proposed project does not have an individually significant impact on parks and recreation. In the event of a related project impact, each project from the Cumulative Project List would implement the appropriate mitigation measures necessary to reduce their potential impacts to less than significant where feasible. Therefore, the proposed project, in conjunction with the listed projects, would have less than a significant cumulative impact related parks and recreational services. (Finding 1)
- Water: Services are deemed adequate by the service provider for water. Presently, District No. 40 maintains an average pumping rate of 20,000 AFY. The current wells have a pumping capacity of 27,947 gpm and the proposed wells have a project pumping capacity of 3,955 gpm (or 6,395 AFY). Thus, the District is using less than current or potential pumping capacity. District No. 40 currently has plans for improvements and expansion. These facility improvements include new wells, reservoirs, and pipelines throughout to meet projected water supply requirements. Each proposed project on the Cumulative Project List would be required to obtain the necessary agreements with the District No. 40. for service. Therefore, the proposed project, in conjunction with the listed projects, would have less than a significant cumulative impact related to water supply and service. (Finding 1)
- Sewer: Services are deemed adequate by the service provider for wastewater (sewer). Each related proposed project is required to obtain the necessary agreements with utility company for service. The proposed project does not have an individually significant impact on wastewater and would therefore not have a cumulatively considerable impact to this service. (Finding 1)
- Solid Waste: Services are deemed adequate by the service provider for the proposed project. Each of the related projects on the Cumulative Project List would be required to obtain the necessary agreements with the provider for service. Therefore, the proposed project, in conjunction with the listed projects, would have less than a significant cumulative impact related waste management services. (Finding 1)
- Electrical: Services are deemed adequate by the service provider for electrical services (the proposed project has obtained “will service” letters from the provider). Each project on the Cumulative Project List would be required to obtain the necessary agreements with SCE for service. Therefore, the proposed project, in conjunction with the listed projects, would have less than a significant cumulative impact related electrical services. (Finding 1)

- Gas: Services are deemed adequate by the service provider for natural gas services (the proposed project has obtained “will service” letters from the service provider). Each project on the Cumulative Project List would be required to obtain the necessary agreements with the service provider. Therefore, the proposed project, in conjunction with the listed projects, would have less than a significant cumulative impact related gas services. (Finding 1)

Visual Quality (Scenic Vistas/Resources): There are not any officially designated scenic vistas per the Lancaster 2020 General Plan. Therefore, the cumulative development would not result in significant impacts on scenic vistas and the proposed project would not contribute to cumulative impacts to scenic vistas and scenic resources. (Finding 1)

Visual Quality (Visual Character): Development of the cumulative projects would gradually change the character of the City of Lancaster and the Antelope Valley. These projects are being designed to include high-quality architectural and landscape design features and, individually, would not degrade the visual character of the area. Overall, the visual character in the area would change from being predominantly rural to a more urban environment; however, these changes would not necessarily result in the degradation of the surrounding area due to the development review requirements of the City. In addition, the cumulative projects would ultimately blend together visually. Therefore, the proposed project would result in a less than significant contribution to significant impacts related to cumulative visual character. (Finding 1)

Visual Quality (Light and Glare): Development of the project in conjunction with other cumulative projects would gradually result in an increase in light in the City of Lancaster and in the Antelope Valley. The City has lighting regulations that preclude the use of excessive or unshielded lighting, or lighting that would spill into neighboring properties, as provided in Municipal Code Section 17.12.230. However, the cumulative long-term effect on nighttime views in this area of Lancaster would remain significant. (Finding 3)

6. FINDINGS ON PROJECT ALTERNATIVES CONSIDERED IN THE DRAFT EIR

The CEQA Guidelines indicate that an EIR must “[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” (CEQA Guidelines § 15126.6(a).) Accordingly, the alternatives selected for review in the DEIR and FEIR focus on alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the projects’ objectives (i.e., the alternatives could impede to some degree the attainment of project objectives, but still would enable the project to obtain its basic objectives). Three alternatives to the proposed project were considered in the FEIR, as follows:

- Alternative 1: No Project/No Build
- Alternative 2: No Project/Existing Zoning – Residential Alternative
- Alternative 3: Reduced Density Alternative

Each of these alternatives was considered in terms of their ability to reduce significant impacts of the proposed projects, their feasibility and ability to achieve the project's objectives. The project's objectives are as follows:

- Provide a commercial shopping center that serves the local community;
- Build an economically sustainable and financially feasible shopping center that provides goods and services to the community in the future, as needed;
- Reduce trips to comparable shopping opportunities elsewhere in the City of Lancaster and/or the Antelope Valley;
- Provide a shopping center that is convenient to both vehicles and pedestrians;
- Provide a use that will generate revenue for the City of Lancaster;
- Create an opportunity for local employment; and
- Create a commercial shopping opportunity that minimizes impacts to the environment and that is compatible with the adjacent residential land uses.

A. ALTERNATIVES CONSIDERED AND SUBSEQUENTLY DISMISSED

An EIR must briefly describe the rationale for selection and rejection of alternatives. The Lead Agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (*CEQA Guidelines*, Section 15126.6(f)(3)). This section identifies alternatives considered by the Lead Agency, but rejected as infeasible, and provides a brief explanation of the reasons for their exclusion. As noted above, alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (*CEQA Guidelines*, Section 15126.6(c)).

Alternative Site

CEQA Guidelines Section 15126.6(f)(2) requires examination of an alternative location for the project if such locations would result in the avoidance of or lessening of significant impacts. The proposed project is intended to redevelop the project site. Although the choice of location is to some extent discretionary, the City is unaware of any other locations that the project applicant has investigated. The proposed project is a speculative project for which a developer searches for suitable property throughout a city or region. However, in this case, the choice of location is not discretionary and has been purchased or optioned by the applicant for the purpose of redevelopment. As such, further analysis of this alternative is not required.

Use as a Golf Course or Recreational Facility

Use of the project site as a golf course or driving range is permitted under the existing zoning (R-7,000) as a conditional use. The project site was last used in the early 1990s as a nine-hole golf course and is still identified on several maps as the Meadowlark Golf Course. However, none of the defining topographical features of that golf course are extant. All buildings, course-related structures, and most of the trees have been removed from the site. This site now retains no discernible features of a golf course, and is

surrounded by residential uses. Use of the site as a golf course would now require netting on all sides, parking for users, new structures, and possibly lighting. Even if all of the site were devoted to a nine-hole golf course (and parking and buildings were not located on the site), at approximately 1,027 feet in length, the site lacks sufficient depth for a nine-hole golf course, which generally requires an approximate minimum driving yardage of 3,600 yards or 10,800 feet.

Views of aerials of the site suggest that the golf course may have included land from north of Avenue J-12, as well as land that has now been developed for residential use. However, land north of the project site is now separated from the project site by Avenue J-12.

The project site could be sufficient as a miniature golf course. However, this use would require a General Plan amendment and rezoning. The miniature golf course would require netting, and possibly on-site lighting, and would be constrained by setbacks along both 60th Street West and Avenue K; Avenue J-12, which would now runs along its northern perimeter; requirements for parking; features associated with a miniature golf course; and a concession stand. Noise associated with miniature golf courses would include the sounds of people, and possibly features such as loud speakers or other similar design features. This use would not be compatible with surrounding residential uses.

B. ALTERNATIVE 1: NO PROJECT/NO BUILDING

CEQA requires that a “no project” alternative be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. (CEQA Guidelines § 15126.6(e)(1)) This alternative assumes that the project site would not be developed as proposed, the current undeveloped condition of the project site would remain unchanged, and no additional improvements and no development would occur.

In comparing the potential impacts to the proposed project, Alternative 1 would result in virtually no impacts on the environment, although this alternative would result in some potential hazards and hazardous materials remaining at the site (soil, an abandoned well onsite). Thus, significant impacts identified in the FEIR with respect to the proposed project would not occur under this alternative. In conclusion, while Alternative 1 would have less impact than the proposed project, this alternative would fail to meet any of the project’s objectives. Further, from a practical standpoint this site would likely eventually develop given its location within the urban core of the City, thus leading to impacts similar to those discussed under Alternative 2.

Finding: Alternative 1 would have less environmental impacts than the proposed project; however, it would not achieve any of the project’s objectives, and would most likely result in development as envisioned under Alternative 2 in the long term. The City therefore finds that Alternative 1 is not preferable to the proposed project.

C. ALTERNATIVE 2: NO PROJECT/EXISTING ZONING – RESIDENTIAL ALTERNATIVE

CEQA requires that a “no project” alternative be evaluated along with its impact. Two “no project” alternatives are considered in the FEIR. The first, referred to as Alternative 1 assumes that the proposed project would not be constructed and neither would any further development. Alternative 2, the second “no project” alternative, assumes that the project site would not be developed as proposed; however, Alternative 2 would not preclude development in the future. This alternative assumes that in the future, development consistent with the City’s General Plan and zoning could occur. The “No Project” analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project were not approved, based on current plans and consistent with available infrastructure (CEQA Guidelines §15126.6(e)(2)). The City’s General Plan designates the project site as Urban Residential (UR) and the zoning is R-7,000 (single family residential, minimum lot size 7,000 square feet). As compared to the proposed project, this alternative would allow for the development of approximately 138 single family residences on the project site.

In comparing the potential impacts of the proposed project, Alternative 2 would have potentially less impacts on the environment, particularly for traffic. In conclusion, Alternative 2 would meet some of the project’s objectives, but would not meet the goals and objectives of the project applicant to build a commercial shopping center that serves the local community that is economically sustainable and provides employment and shopping opportunities for local residents. Additionally, this alternative does not eliminate some of the significant unavoidable impacts associated with the proposed project, specifically construction related air quality and noise impacts.

Finding: Alternative 2 does not conclusively lessen the significant impacts of the proposed project and does not meet most of the objectives of the proposed project. The City finds that the No Project/Existing Zoning – Residential Alternative is less desirable than the proposed project because the alternative does not avoid or substantially lessen a majority of the significant impacts of the proposed project.

D. ALTERNATIVE 3: REDUCED DENSITY ALTERNATIVE

Alternative 3 would result in less developed space at the shopping center. Under this alternative, the shopping center would not include a big-box retail use nor a gas station/car wash, and would include 30-foot landscaped setbacks that could include a plaza along the northern and eastern perimeters. Maximum total development would not exceed 50 percent of the development proposed as part of the project or a maximum of 117,394 square feet.¹ Although a reduced development is proposed, the entire site would still be developed with either paved surfaces or landscaping.

¹ This square footage was selected because none of the traffic impacts of the proposed project would be reduced until the project reaches approximately 50 percent of its proposed size.

In comparison to the proposed project, this alternative would result in very similar impacts as the proposed project. However, it would reduce the amount of traffic generated by the proposed project which in turn would reduce the amount of air emissions generated. However, these emissions would still be significant and unavoidable, but to a lesser degree than the proposed project. This alternative would also result in the same significant and unavoidable construction noise impacts. However, this alternative would not meet the goals and objectives of the project applicant. Although this alternative would build a commercial shopping center that serves the local community and provides employment and shopping opportunities for local residents, it is not economically sustainable.

Finding: Alternative 3 would lessen some of the significant impacts associated with the proposed project, but not to a level of insignificance. Further, although Alternative 3 would meet many of the project objectives, it is not economically sustainable. The City therefore finds that Alternative 3 is not preferable to the proposed project.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the proposed project:

A. The project meets the City' General Plan goals of providing commercial facilities to serve City residents, and will provide those opportunities in the form of a high quality, attractive center that accommodates a variety of auto-oriented and pedestrian-oriented environments.

B. The project will provide commercial opportunities locally within the City of Lancaster, thereby reducing the need for City residents to travel longer distances for these goods and services. This will contribute to a regional reduction in vehicle miles traveled with a concurrent reduction in air emissions from mobile sources, which is consistent with the goals of the Southern California Association of Governments.

C. The project will generate revenue to the City over the long term, thereby providing a source of funding for essential City services, and will act to help stop leakage of commercial revenue to neighboring cities and regions.

ORDINANCE NO. 923

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA,
AMENDING THE CITY ZONING PLAN FOR 21.32± ACRES
LOCATED AT THE NORTHWEST CORNER OF AVENUE K AND
60TH STREET WEST, KNOWN AS ZONE CHANGE NO. 05-01

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by AV California, LLC, to change the zoning designation on 21.32± acres of land located at the northwest corner of Avenue K and 60th Street West from R-7,000 (Single Family Residential, one dwelling unit per 7,000 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 Section 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 April 20, 2009, and the City Council on May 12, 2009; and

WHEREAS, this Council certifies pursuant to Section 15090a)(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 Resolution No. 09-36; and

WHEREAS, this Council hereby certifies, pursuant to Section 15090(a)(2) of the State CEQA Guidelines that the final EIR was presented to the Council, and that the Council reviewed and considered the information contained in the final EIR prior to making a decision on Zone Change No. 05-01; and

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

WHEREAS, the City Council hereby makes the following findings in support of the Ordinance:

1. The proposed zone change from R-7,000 to CPD is consistent with the General Plan land use designation of C (Commercial) proposed for the subject property.
2. Modified conditions, including a change in the land use designation of the site to provide for the commercial to serve as a compatible land use pattern with the existing R-7,000 surrounding 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 economic, lifestyle and social needs of current and future residences.
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 commercial compatible with the existing R-7,000 zone classification and development surrounding the site.
5. Placement of the proposed 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 density and type of development, and the zoning designation will not result in the development of incompatible uses.

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 contained in Exhibit "A" of the City Council Resolution No. 09-36 are hereby 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) 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 12th day of May, 2009, and placed upon its second reading and adopted at a regular meeting of the City Council on the 26th day of May, 2009 by the vote:


AYES: Council Members: Mann, Marquez, Sileo, Vice Mayor Smith, Mayor Parris

NOES: None


ABSTAIN: None

ABSENT: None

ATTEST:


GERI K. BRYAN, CMC
City Clerk
City of Lancaster

APPROVED:


R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
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. 923, 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)
