

RESOLUTION NO. 09-77

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LANCASTER,
CALIFORNIA, APPROVING CONDITIONAL
USE PERMIT NO. 06-08

WHEREAS, a conditional use permit was requested by The Frank and Yvonne Lane 1993 Family Trust, Joshua Lane LLC, and The Wood Group. A Conditional Use Permit to construct a 395,355 square-foot commercial shopping center, with off-site sales of alcoholic beverages for the Anchor 1 building, and the Drug Store in the CPD Zone, located on 40.26± acres at the southeast corner of 60th Street West and Avenue L, 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 and Chapter 17.42 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 subject to conditions; and

WHEREAS, a public hearing on the conditional use permit request was held before the Planning Commission on July 7 , 2009, and recessed to July 8, 2009; and the City Council on July 21, 2009; and

WHEREAS, pursuant to Section 15090(a)(2) a final environmental impact report has been prepared for the proposed project and approved for certification by the City Council on July 21, 2009, and the Council considered the information contained within this final EIR prior to making a decision on this conditional use permit; and

WHEREAS, this Council hereby adopts the following findings in support of approval of the conditional use permit application:

1. The proposed 395,355 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 16.2.6:** "Ensure that a variety of sites are available for a diversity of industrial and commercial users.
 - **Objective 16.3** "Foster development patterns and growth which contributes to, rather than detracts from net fiscal gains to the City."

- **Policy 16.3.1** “Promote development patterns which will minimize the costs of infrastructure development, public facilities development and municipal service cost delivery.”
- **Policy 16.3.2.** “Provide sufficient amounts of land zoned for each type of major revenue generating land use to allow for competitive development opportunities among many potential sites with a broad range of site features and land uses.”
- **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 as an upgrade of the existing farm. The location of the project on a regional arterial will serve regional needs. The commercial development is designed to provide valuable retail space in an underserved locale which has undergone tremendous growth. The building’s design will be compatible with the desired character of the area in its design and materials.

2. The requested uses at the location proposed will not:

a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because on-site lighting will be shielded from residential areas to the south of the site, a 20-foot wide landscape planter and a block wall will be installed on the east property line, 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 and east of the site, and sufficient on-site parking will be provided and semi-trucks will be prohibited from ingress/egress on 57th Street West.

b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because City development standards will be met, proposed landscape planters to the east 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 40.26± net acres is adequate in size and shape to accommodate the building, landscape setback, 1,775 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 L and 60th Street West, which will be of sufficient width and improved as necessary to carry the anticipated 13,683 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. 09-23
6. There is a need for the proposed commercial shopping center, which is in an area of West Lancaster that presently lacks extensive commercial areas. The uses within the center will provide for commercial retail goods and services to serve the immediate area as well as the future growth of west Lancaster City.

WHEREAS, it is the intent of this Council that the conditional use permit for incidental off-sale of alcoholic beverages (Alcohol Beverage Control, Type 21, Off-Sales General License) for the Anchor 1 (Target) and Drug Store (Rite-Aid) buildings is considered separate and can be revoked apart from the original conditional use permit, if necessary.

WHEREAS, this Council hereby adopts the following findings in support of approval of this application for alcohol sales:

1. The proposed use of incidental off-sale of alcoholic beverages would be located within the proposed 17,272 square-foot "Drug" store and within the 138,545 square-foot Anchor 1 (Target) retail store
2. The requested alcohol use at the location will not:
 - a. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because the project would operate in conformance with Chapter 17.42 and conditions of approval have been a part of the project.
 - b. Adversely affect the nearby residents and facilities primarily devoted to use by the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage establishment because the request is for less than 10 percent of the 17,272 square feet of the "Drug" building and less than 5 percent of the 138,545 square feet of the Anchor1 used for the sale and display of alcoholic beverages and therefore meet the maximum square-footage allowed for incidental off-sale alcoholic beverages based upon Section 17.42.060. The incidental off-sale of alcoholic beverages are not subject to distance requirements to residences or schools, and the hours to sell the alcohol would be limited to between 6:00 a.m. and 12:00 a.m. Sunday through Saturday.

3. The proposed 17,272 square feet of the “Drug” building and the 138,545 Anchor 1 building is located within the CPD Zone which permits alcoholic beverages to be sold, served, or given away for the off-sale consumption subject to Chapter 17.42., and the stores serve the public convenience and necessity based upon all factors outlined in Chapter 17.42.060.

WHEREAS, this Council, 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 Council hereby adopts all findings set forth in attached Exhibit “A,” of City Council Resolution No.09-76, and hereby adopts Mitigation Monitoring Program (Exhibit “B”) of City Council Resolution No. 09-76.
2. This Council hereby approves Conditional Use Permit No. 06-08 subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this _____day of _____, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster,
California, do hereby certify that this is a true and correct copy of the original Resolution No. 09-
77, 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 _____, _____.

(seal)
