

RESOLUTION NO. 09-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, UPHOLDING PLANNING COMMISSION DECISION BY DENYING THE APPEAL FOR CONDITIONAL USE PERMIT NO. 07-05

WHEREAS, a conditional use permit has been requested by Kaley Aboul-Hosn, to construct a 4,372 square-foot carwash with a detail shop in the CPD Zone, as shown on the attached 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, public notice was provided as required by law and a public hearing was held by the Planning Commission on April 20, 2009, and by the City Council August 25, 2009; and

WHEREAS, the Planning Commission reviewed the request for CUP No. 07-05 and on April 20, 2009, denied the applicants request due to the incompatibility with the property and surrounding land uses, the applicant inability to demonstrate the need for the project within this general marketplace, and that the project site is not adequate in size and shape to accommodate proposed use, including building placement and site circulation; and

WHEREAS, this Council hereby adopts the following findings in denial of this application:

1. The goals, objectives, policies, and specific action of the General Plan; Objective 1.8 "Provide a safe, crime free environment in which to work and live."; and
2. Policy 17.1.4 "Provide for office-and industrial-based employment-generating lands which are highly accessible and compatible with other uses in the community;" and
3. The requested use at the location proposed will:
  - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the site is not adequate in size or shape to accommodate the proposed use.

- 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 not be met because the proposed use is incompatible with the surrounding uses. The applicant was unable to demonstrate the need for the project within this general marketplace.
3. The proposed .52± acres is not adequate in size and shape to accommodate the building, landscape setback, parking spaces, on-site circulation and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the uses in the surrounding area.
4. The proposed request, if approved could have a long term impact by mixing inappropriate uses which could have long term social impacts.

NOW, THEREFORE, BE IT RESOLVED:

WHEREAS, this Council, after considering all the evidence presented, hereby denies the appeal and upholds the Planning Commission denial of Conditional Use Permit No. 07-05.

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. 09-82, 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)

RESOLUTION NO. 09-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LANCASTER, CALIFORNIA, OVERTURNING  
PLANNING COMMISSION DECISION BY APPROVING  
THE APPEAL FOR CONDITIONAL USE PERMIT NO. 07-  
05

WHEREAS, a conditional use permit has been requested by Kaley Aboul-Hosn, to construct a 4,372 square-foot carwash with a detail shop in the CPD Zone, as shown on the attached 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, public notice was provided as required by law and a public hearing was held by the Planning Commission on April 20, 2009, and by the City Council August 25, 2009; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this application, subject to conditions; and

WHEREAS, the proposed project is categorical exempt under Section 15332 Class 32 (In-Fill Development Projects) of the State CEQA Guidelines for the implementation of the California Environmental Quality Act, and a Notice of Exemption will be filed with the County Clerk of Los Angeles County; and

WHEREAS, the Planning Commission reviewed the request for CUP No. 07-05 and on April 20, 2009, denied the applicants request due to the incompatibility with the property and surrounding land uses, the applicant inability to demonstrate the need for the project within this general marketplace, and that the project site is not adequate in size and shape to accommodate proposed use, including building placement and site circulation; and

WHEREAS, this Council hereby adopts the following findings in approval of this application:

1. The proposed 4,372 square-foot carwash with a detail shop 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 18.2.1 “Encourage appropriate infill development”.

2. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons working in the surrounding area because sufficient circulation on-site parking would be provided, and a noise study has demonstrated that potential noise levels would be within the levels set by the General Plan.
  - 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, adequate parking, a 10-foot wide landscape buffer and 6-foot high block wall will be provided along the northern portion of the site, and a 6-foot high block wall along the western portion of the site. 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 street.
  - 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 .71± gross acres is adequate in size and shape to accommodate the building setback, vehicle drying area, 12 parking spaces, landscaping, 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 areas.
4. The proposed site is adequately served:
  - a. By 17<sup>th</sup> Street West, which will be of sufficient width and improved as necessary to carry the anticipated 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 use will not result in a significant effect on the environment because all potential impacts have been found to not be significant as noted in the environmental review section of the staff report prepared for this project.

6. There is a need for a full service carwash in this area in which the proposed project would provide a needed service that is currently not available in the immediate area.

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

NOW, THEREFORE, BE IT RESOLVED:

WHEREAS, this Council, after considering all the evidence presented, hereby approves the appeal and overturns the Planning Commission denial of Conditional Use Permit No. 07-05 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:

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GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

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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-  
83, 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)

**ATTACHMENT TO PLANNING COMMISSION RESOLUTION NO. 09-06  
CONDITIONAL USE PERMIT NO. 07-05  
CONDITIONS OF APPROVAL (REVISED)**

**City Council Meeting  
August 25, 2009**

**GENERAL ADVISORY**

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

**STREETS**

2. Per the direction of the Director of Public Works, improve and offer for dedication:
  - Avenue J at 70 feet of an ultimate 100-foot right-of-way
  - 17<sup>th</sup> Street West at 44 feet of an ultimate 64-foot right-of-way
3. Per the direction of the Director of Public Works, vacate the westerly 4 feet of the existing right-of-way on 17<sup>th</sup> Street West.
4. Per the direction of the Director of Public Works, reconstruct streets to centerline, unless tests indicate an adequate structural section exists, then grind and overlay streets to centerline.
5. Per the direction of the Director of Public Works and the traffic study, prior to issuance of the Certificate of Occupancy, the applicant shall install surface-mounted channelizers in Avenue J at 17<sup>th</sup> Street West and all necessary signs and markings in order to restrict left-turn egress from 17<sup>th</sup> Street West.

**DRAINAGE**

6. All drainage facilities are to be constructed and approved prior to occupancy of any buildings within the project per the direction of the Director of Public Works. If the project is phased, all drainage facilities for each phase will be constructed and approved prior to occupant of any buildings within that phase.

**LANDSCAPING**

7. 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 plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities.



**OTHER**

8. Prior to occupancy, construct a perimeter masonry wall along the west, and north property lines in accordance with Section 17.28.030.C. of the Lancaster Municipal Code; color and design must match the current color and design that exist on site. The requirement for peripheral walls may be waived or modified by the Planning Director in order to prevent the creation of double walls where an adequate wall which would meet the intent of this condition is already in existence. All perimeter walls would meet the structural requirements of the City of Lancaster as specified by the Director of Public Works.
9. Per the direction of the Director of Public Works, underground all overhead utilities.
10. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
11. Per the direction of the Director of Public Works, all on-site lighting shall be design with directional shields to direct lighting away from the surrounding businesses.
12. Per the direction of the Director of Public Works, construct street lights on Avenue J and 17<sup>th</sup> Street West.
13. 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 (LS-3 rate schedule). 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.
14. Per the direction of the Director of Public Works, reconstruct handicap access ramps to current ADA standards.
15. Per the direction of the Planning Director, all rooftop and ground mounted equipment shall be screened from public view.
16. Per the direction of the Planning Director, the applicant shall post signs stating "No Loitering" and "No Loud Music" in the parking lot.
17. Per the direction of the Planning Director, no storage of any kind would be allowed in visible areas of the site.
18. Per the direction of the Director of Public Works, the carwash equipment shall achieve a recycling efficiency of 90%.
19. Per the direction of the Planning Director, based on the noise study the carwash equipment including vacuum pumps would be fully enclosed within block rooms. The blowers would be equipped with a silencer that reduces noise levels to an average of 10dBA CNEL.

20. Per the direction of the Directors of Planning and Public Works, at the time of project construction, the applicant shall be required to comply with all Ordinances adopted to address the balance of water supply to water demand.
21. Contact Los Angeles County Waterworks District to determine if there are any additional off-site improvements or conditions that would be required. The proposed development will also be required to pay all applicable Waterworks District fees.
22. Prior to grading, the applicant shall provide 24 hours, 7 days a week a contact name and valid phone number regarding blowing dust or debris from the site.

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**STAFF RECOMMENDED ADDED CONDITIONS**

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23. **Per the direction of the Planning Director, the elevations and walls of the carwash shall be compatible, and shall incorporate materials and colors of the surrounding professional buildings.**
24. **Per the direction of the Planning Director, the applicant shall modify grading plan to screen the parking lot from the street by providing additional landscaping and a minimum three-foot high berm.**
25. **Per the direction of the Planning Director and City Engineer, the applicant shall modify grading and site plan to provide a parkway planter on Avenue J and 17<sup>th</sup> Street West.**