

RESOLUTION NO. 24-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-020 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A NEW COMMERCIAL CENTER INCLUDING A NEW CAR WASH FACILITY, FAST FOOD DRIVE-THRU PAD AND ELECTRIC VEHICLE CHARGING FACILITY IN THE COMMERCIAL PLANNED DEVELOPMENT ZONE LOCATED AT THE SOUTHWEST CORNER OF AVENUE L AND 10TH STREET WEST (APN: 3109-026-047, -048 AND -049), ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH#2024050687), APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING STAFF TO EXECUTE AND FILE THE NOTICE OF DETERMINATION

WHEREAS, a Conditional Use Permit has been requested by Kristine Simmons on behalf of Rich Development ("Applicant"), to allow for the construction and operation of a commercial center which includes a 2,900 square-foot fast food drive-thru pad, a 3,600 square-foot car wash facility and an electric vehicle (EV) charging facility with full landscaping and site improvements on 3.72 acres at the southwest corner of Avenue L and 10th Street West in the Commercial Planned Development (CPD) zone; and

WHEREAS, an application for Conditional Use Permit No. 23-020 has been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code ("LMC"); and

WHEREAS, a notice of intention to consider the granting of a Conditional Use Permit has been given as required by Article V of Chapter 17.32 of the LMC, and Section 65905 of the Government Code of the State of California; and

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

WHEREAS pursuant to the California Environmental Quality Act (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.) ("CEQA"), an Initial Study (SCH #2024050687) analyzing all potential impacts was prepared for the Project in compliance with CEQA for the City's consideration as the CEQA lead agency; and

WHEREAS, on the basis of the Initial Study, which indicated that all potential environmental impacts from the Project would be less than significant within the incorporation of the identified mitigation measures, staff determined that a Mitigated Negative Declaration ("MND") should be prepared; and

WHEREAS, the Draft Initial Study/MND (SCH# 2024050687) was prepared in accordance with CEQA and circulated for public review and comment from May 15, 2024 through June 14, 2024 by: (1) filing a Notice of Intent to Adopt a Mitigated Negative Declaration ("NOI") with the

State Clearinghouse; (2) filing a NOI with the Los Angeles County Clerk; (3) placing a NOI in the Antelope Valley Press a newspaper of general circulation; (4) mailing a NOI to various interested persons, agencies and tribes; and (5) posting a NOI on the City's website; and

WHEREAS, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the MMRP has been prepared and includes mitigation measures for air quality, biological resources, cultural resources, geology and soils, and noise;

WHEREAS, the public review period closed on June 14, 2024 and all comments received from the public and responsible, trustee, and interested agencies were considered; and

WHEREAS, copies of the Initial Study were available during the public review period at City Hall, Lancaster Library, and on the City's website; and

WHEREAS, public notice was provided, as required by law, and a public hearing was held by the City of Lancaster Planning Commission ("Planning Commission") on June 17, 2024 concerning the IS/MND and all other relevant information contained in the administrative record regarding the Project, including all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approve Conditional Use Permit No. 23-020.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LANCASTER, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. This Planning Commission hereby finds the foregoing recitals are true, correct and a substantive part of this Resolution.

Section 2. CEQA Findings.

A. That the Planning Commission hereby certifies that it has reviewed and considered the information in the Initial Study/Mitigated Negative Declaration prepared for the Project in compliance with CEQA (including its implementing regulations) prior to taking action. The Planning Commission hereby finds, based on its independent review and analysis: (i) that the Final Initial Study/MND was prepared in compliance with CEQA; and (ii) that based on the imposition of mitigation measures, there is no substantial evidence in the administrative record supporting a fair argument that the Project may have a significant effect on the environment. No new significant environmental impacts have been identified in the Final MND and any changes to the Final MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

B. The Planning Commission has also reviewed and considered the MMRP for the Project that has been prepared pursuant to the requirements of Public Resources Code Section

21081.6 and finds that such Program is designed to ensure compliance with the mitigation measures during Project implementation.

Section 3. Approval and Adoption of IS/MND and MMRP. Pursuant to Public Resources Code section 21080, subdivision (c)(2), the Planning Commission approves and adopts the Final IS/MND prepared for the Project. Pursuant to Public Resources Code section 21081.6, the Planning Commission approves and adopts the MMRP, which was prepared for the Project and made a condition of Project approval, and is attached hereto as Exhibit B.

Section 4. That the Community Development Department, Planning and Permitting staff is hereby authorized and directed to prepare, execute, and file a Notice of Determination with the Los Angeles County Clerk and the Office of Planning and Research within five (5) working days of approval of the Project.)

Section 5. That the Planning Commission hereby adopts the following findings pursuant to Section 17.32.090 of the LMC, in support of approving this application:

- a. That the proposed use will not be in substantial conflict with the adopted general plan for the area.

The CUP for the commercial center is in conformance with the General Plan Land Use Designation of Commercial. The proposed car wash would be consistent with the General Plan land use designation of Commercial (C) and the types of uses envisioned therein. The C land use designation “includes a broad spectrum of uses, including regional, community, neighborhood, and highway-oriented uses”. In addition, the project is consistent with the goals, objectives, policies, and specific actions identified within the General Plan.

- b. The requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

The commercial center is located at the southwest corner of Avenue L and 10th Street West as part of a commercial site that includes a car wash, fast food drive-thru pad and EV charging facility. The area surrounding the site is predominantly developed with other commercial and industrial developments and a multi-family residential development. While the car wash, vacuum areas and fast food drive-thru would generate some noise; the noise levels would be consistent with other commercial uses in the area. The residential uses to the northeast of the project are located on at the other side of the intersection. Therefore the noise from the commercial center would be less than significantly audible to the residential uses. Therefore, the project would not affect the health, peace, comfort, or welfare of persons residing or working in the area.

2. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

The CPD zone allows for a mix of commercial uses, such as restaurants, retail stores, personal services, offices, and entertainment uses. The commercial center that includes a carwash, fast food drive-thru and EV charging facility is consistent within the zone and the surrounding properties and would not be materially detrimental to the use, enjoyment or valuation of other property.

3. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.

The commercial center would not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare of the public or surrounding community.

- c. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The car wash, fast food drive-thru and EV charging facility are all part of the commercial site and meet all the required development standards of the zone and would integrate with the surrounding commercial developments.

- d. The proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate.

The commercial center is located at the southwest corner of Avenue L and 10th Street West. Access in and out of the center is provided from three driveways, one on Avenue L for ingress, right-in only. 10th Street West has two driveways to allow for ingress and egress, with the south driveway to include a traffic signal. All three driveways provide sufficient width and improved to carry the daily vehicle trips generated by use.

2. By other public or private service facilities as are required.

The site location has adequate sewer, water, fire, and police services to serve the site.

Section 6. This Planning Commission hereby approves Conditional Use Permit No. 23-020, subject to the conditions attached hereto and incorporated herein.

Section 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department of the City of Lancaster, Lancaster City Hall, 44933 Fern Avenue, Lancaster, CA 93534. This information is provided in compliance with Public Resources Code Section 21081.6.

Section 8. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

PASSED, APPROVED and ADOPTED this 17th day of June 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

PATTI GARIBAY, Assistant Director – Community Development Planning & Permitting
City of Lancaster

Attachments:

- A. Conditions of Approval
- B. Mitigation Monitoring and Reporting Program
- C. IS/MND

Within 10 working days of the date of this decision by the Commission, an applicant or an interest City resident may submit to the City Clerk a notice of appeal pursuant to LMC Sections 17.36.030 and 2.44.010 *et seq.*

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.