

## **RESOLUTION NO. 23-37**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM) NO. 23-002 (TPM NO. 84233) TO SUBDIVIDE APPROXIMATELY 20 ACRES INTO TWO LOTS LOCATED ON THE NORTHEAST CORNER OF LANCASTER BOULEVARD AND 30<sup>TH</sup> STREET WEST (APN: 3153-034-087), APPROVING CONDITIONAL USE PERMIT (CUP) NO. 23-014 TO ALLOW FOR TWO MULTIFAMILY PROJECTS INCLUDING A 324-UNIT APARTMENT COMPLEX AND 96-UNIT TOWNHOUSE COMMUNITY IN THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONE, , ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH# 2023110213), APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING STAFF TO EXECUTE AND FILE THE NOTICE OF DETERMINATION

WHEREAS, a Tentative Parcel Map (TPM 23-002 [TPM 84233]) has been requested by Guardian Capital, the “Applicant” to allow for the subdivision of approximately 20 gross acres of land into two lots on the northeast corner of Lancaster Boulevard and 30<sup>th</sup> Street West (APN: 3153-034-087) in the CPD zone; and

WHEREAS, the above-described Tentative Parcel Map application has been filed pursuant to Chapter 16.08 of the Lancaster Municipal Code (“LMC”); and

WHEREAS, a Conditional Use Permit has been requested by the Applicant to allow for the construction of two multifamily residential projects at the northeast corner of Lancaster Boulevard and 30<sup>th</sup> Street West (APN: 3153-034-087) in the Commercial Planned Development (CPD) zone; 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 (“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, the Tentative Parcel Map (TPM) No. 84233, Conditional Use Permit (CUP) No. 23-014, collectively constitute the “Project”; and

WHEREAS, staff has performed the necessary investigations to ensure the division of land is consistent with the purpose of the City’s Subdivision Ordinance, the State Subdivision Map Act, and the regulations of the LMC, prepared a written report, and recommended approval of this Tentative Parcel Map, subject to conditions; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, §210000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.) (“CEQA”), an Initial Study (SCH #2023110213) analyzing all potential impacts was prepared for the proposed project in compliance with CEQA and circulated for public review ending on December 8, 2023; and

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

WHEREAS, the public review period closed on December 8, 2023, 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 December 11, 2023; and

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approve the Applicant’s requested Tentative Parcel Map (TPM23-002) and Conditional Use Permit (CUP23-014).

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

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

Section 2. That the Planning Commission hereby certifies that it has reviewed and considered the information in the Initial Study/Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act (“CEQA”) (including its implementing regulations) prior to taking action. The Planning Commission hereby finds that the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures as detailed in the Mitigated Negative Declaration. The Planning Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Initial Study/Mitigated Negative Declaration prepared for the proposed project reflects the independent judgement of the City of Lancaster.

Section 3. That the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program included in the Mitigated Negative Declaration.

Section 4. That the Community Development Department staff is hereby authorized and directed to prepare, execute, and file a Notice of Determination pursuant to CEQA (including its implementing guidelines).

Section 5. That the Planning Commission hereby adopts the following findings pursuant to Section 16.08.110 of the LMC:

- a. The proposed subdivision is consistent with the general plan, any applicable specific plan, and is compatible with the general plan land uses, goals, objectives, policies, and specific actions specified in such plan.

The project is a residential subdivision consistent with the general plan land use designation of C (Commercial) and with the policies, goals, objectives, and specific actions of the General Plan. The project is not located within the boundaries of a Specific Plan.

- b. The design and improvement of the proposed subdivision is consistent with the general plan, any applicable specific plan, Title 17, and this title.

The design and improvements of the subdivision are consistent with the General Plan and use designation of C and the development standards identified in Sections 17.08.060 and 17.080.070 of the LMC. The project site is not located within the boundaries of a specific plan.

- c. The site is physically suitable for the type and density of the development proposed.

The project site is physically suitable for the type and density of the development. Adequate roadway capacity and infrastructure exists in the vicinity of the project or can be provided to support the development.

- d. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An initial study was prepared for the development to assess potential impacts to twenty-one (21) resource areas including biological resources. No sensitive status plant or animal species were identified during the surveys and mitigation measures have been provided to ensure that any potential impacts remain less than significant. Mitigation measures have also been provided for other resource areas such as air quality, cultural resources, geology and soils, and noise.

- e. The design of the subdivision or the type of improvements will not cause serious public health problems.

The design of the subdivision and the associated improvements are not likely to cause serious public health problems as adequate sewer and water systems will be provided to the development. Additionally, all residences within the subdivision are required to have trash collection services in accordance with the City of Lancaster's Waste Management franchise agreement.

- f. The design or the types of improvements of the subdivision will not conflict with easements acquired by the public at large, for access through, or use of, property within the subdivision.

There is a 10-foot sewer easement that runs in a north/south direction through the eastern portion of the project site. This easement will remain, and no structures will be built on top of the easements. The site's been designed so that the easement is located within a pedestrian walkway and landscaping; therefore, the design of the subdivision will not conflict with public access. Any other utility can be accommodated within the design of the project.

- g. The City's action will not have an adverse effect on the housing needs of the region and the City has balanced these needs against the public service needs of its residents and available fiscal and environmental resources, in accordance with Section 66412.3 of the Subdivision Map Act.

The project would have a beneficial effect on the housing needs of the region because an additional 420 dwelling units will be provided. The project would not adversely affect the economic health of the City as the infrastructure to support the project, such as roadways and utility lines, currently exists in the vicinity of the project site and the maintenance of this infrastructure is already occurring. Additionally, all roadways, sewer, and water lines within the subdivision would be private and maintained by the Homeowners/Property Owner's Association.

- h. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

The project is not expected to have any significant impact on any future passive or natural heating or cooling opportunities. The project has been designed to take advantage of heating and cooling opportunities to the extent feasible. Additionally, the project is required to comply with Title 24, which includes requirements for solar energy.

Section 6. 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 project would be in conformance with the General Plan Land Use Designation of Commercial. In addition, the project would be consistent with the goals, objectives, policies, and specific actions identified within the General Plan.

b. That 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 residential developments would be located on a vacant parcel at the northeast corner of Lancaster Boulevard and 30<sup>th</sup> Street West. The area immediately surrounding the project site is a mix of single family residential and vacant land and is adjacent to two busy roadways and the Antelope Valley Freeway. The project is also west of the Valley Central shopping center. While the multifamily projects would generate some noise associated with its development, this would be similar to other existing residential uses in the surrounding area. 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 project would be located at the northeast corner of Lancaster Boulevard and 30<sup>th</sup> Street West adjacent to/in the vicinity of other residential uses. The CPD zone allows for a mix of uses and permits multifamily residential with a conditional use permit. The project would be 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 project 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 projects would be located on a site which is approximately 20 acres in size. The projects meet all of the required development standards of the zone and would integrate with the surrounding commercial and residential 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.

Access to the project would be provided by driveways located on Lancaster Boulevard. These roadways are sufficient in width and have already been improved to handle the traffic generated by the project.

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

Any necessary public services or utilities are currently available to serve the project.

Section 7. This Commission hereby approves Tentative Parcel Map No. 23-002 (TTM No. 84233) and Conditional Use Permit No. 23-014, subject to the conditions attached hereto and incorporated herein.

Section 8. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Lancaster City Hall, 44933 Fern Avenue, Lancaster, CA 93534. This information is provided in compliance with Public Resources Code Section 21081.6.

Section 9. 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 11<sup>th</sup> day of December 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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

**Attachments:**

- A. Conditions List
- B. Mitigation Monitoring and Reporting Program

Within 10 working days of the date of this decision by the Commission, an applicant or an interested 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.