

AGENDA ITEM: 2.

DATE: 11-16-09

**STAFF REPORT**

**TENTATIVE TRACT MAP NO. 67591**

DATE: November 16, 2009  
TO: Lancaster Planning Commission  
FROM: Planning Department  
APPLICANT: Parviz Davani  
LOCATION: 4.70± gross acres located on the northeast corner of future Avenue M-14 and 45<sup>th</sup> Street West  
REQUEST: A subdivision for 7 single family lots in the SRR Zone

RECOMMENDATION: Adopt Resolution No. 09-29 approving Tentative Tract Map No. 67591

BACKGROUND: Tentative Tract Map No. 67591 was on placed on the October 19, 2009, Planning Commission meeting with a request for continuance to the November 16, 2009, meeting due to lack of noticing.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject property is designated as NU (Non Urban Residential; 0.4 to 2 dwelling units per acre) by the General Plan, is zoned SRR (Semi Rural Residential, one single family dwelling unit per 20,000 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	NU	SRR	Single Family Residences
EAST	NU	SRR	Vacant
SOUTH	NU	SRR	Vacant
WEST	U1	A1-10,000	Single Family Residences

PUBLIC IMPROVEMENTS: The site is bounded on the east by 43<sup>rd</sup> Street West, which is undeveloped, and 45<sup>th</sup> Street West, which is developed, with one lane of travel in each direction. All public utilities are available or can be extended to serve the site.

ENVIRONMENTAL REVIEW: Review of pertinent environmental documents has disclosed no significant adverse impacts resulting from the proposed subdivision after mitigation measures have been added. Potential effects are discussed more fully in the attached Initial Study. Based on this information, staff has determined that a mitigated Negative Declaration is warranted. Notice of intent to prepare a mitigated Negative Declaration has been legally advertised.

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.

However, State law specifies that lead agencies may determine that a project would have a de minimis effect on fish and wildlife, and the fees waived. Said determination shall be based on findings of fact, and incorporated into a Certificate of Fee Exemption.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 1,500-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 proposed subdivision consists of 7 single family lots in the SRR Zone. The lots would range in size from approximately 20,013 square feet to 28,074 square feet not including alternate street section. The project is consistent with the General Plan land use designation of Non Urban Residential (Non Urban Residential; 0.4 to 2 dwelling units per acre) and the SRR zoning designation of the property Semi Rural Residential, (one single family dwelling unit per 20,000 square feet). Division of the property would allow for the construction of a single family residence on each lot. The proposed project site is vacant with single family residential to the north and west of the project site.

The proposed residential subdivision would have access from 45<sup>th</sup> Street West. In order to provide continuity, street improvements would be required along the property frontage in 45<sup>th</sup> Street West. Individual lot access would be provided from a series of internal streets. The proposed subdivision has the potential to generate 70 vehicular trips per day, with 7 trips occurring during the peak hours, which would not significantly impact surrounding streets.

A biological resource study was conducted for the proposed project by Callyn D. Yorke on March 11, 2005. The study area was characteristic of disturbed Joshua Tree - Juniper Scrub, and contains several native desert perennials. A project survey was conducted to determine if desert tortoise, Mohave ground squirrel, burrowing owls, and other sensitive plant and animal species or their sign were present on the project site. No desert tortoises or tortoise signs (e.g., burrows, tracks, scat) were observed. Therefore, no impacts to these species could occur. No evidence of Mohave ground

squirrels was observed on the project site. However, there is suitable habitat for nesting birds on the site. Therefore, a mitigation measure has been identified to reduce impacts to less than significant levels.

A cultural resource survey was conducted for the project site by Groark Historical Consulting on March 28, 2005. As a result of the survey the project area showed evidence of very light historic dumping activities, primarily dating to the mid 1940's-late 1950's. During the survey, one light refuse scatter was recorded (Temporary Site Number 020501-1). Site 020501-1 consists of a light historic can scatter, approximately 3 meters in diameter, which is estimated to date from the late 1940s to mid-1950s. The deposit consists of almost exclusively of tin cans, with one glass item. After full recording of the site, it was determined that the refuse scatter does not qualify as a "significant" cultural resource as defined under CEQA. The site has no subsurface component, the materials are not unique or important, and the site is unlikely to yield additional data of scientific or historic value. No human remains, including those interred outside of formal cemeteries, were discovered on the site. Therefore, no impacts to cultural resources would occur.

A Phase I Environmental Site Assessment was prepared for the proposed project by Earth Systems Southern California on March 22, 2005. The site is in its natural state and no existing structures were observed. No hazardous materials were being stored on the project site. In addition to the site visit, a regulatory records review was conducted for the project site. In addition to the site visit, a regulatory database search was conducted on the project site and the immediately surrounding area (up to one mile radius) by EDR and dated March 2, 2005. The project site and surrounding areas were not identified on any of the listings. Therefore, no impacts would occur.

The density of the development is consistent with the General Plan designation of Non Urban Residential (Non Urban Residential; 0.4 to 2 dwelling units per acre); the proposed subdivision meets the City's zoning requirements for the SRR Zone; and sufficient access, utilities, and infrastructure exist or can be extended to serve the project site. Therefore, staff is recommending that the Commission approve Tentative Tract Map No. 67591.

Respectfully submitted,

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Randie Davis, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 09-29

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 67591

WHEREAS, a tentative subdivision map has been filed by Parviz Davani for the division of 4.70± gross acres located on the northeast corner of future Avenue M-14 and 45<sup>th</sup> Street West as shown on the attached site map, into 7 residential lots; and

WHEREAS, staff has conducted necessary investigations to assure the proposed division of land would be consistent with the purposes of the City's Subdivision Ordinance, the State Subdivision Map Act, and the regulations of the SRR Zone; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval of this tentative map subject to conditions; and

WHEREAS, a public notice was provided as required by law and a public hearing was held on November 16, 2009; and

WHEREAS, the initial study was performed for this project in accordance with the requirements of CEQA: and

WHEREAS, this Commission hereby finds that the Initial Study determined that the proposed subdivision could have a significant effect on the environment; however, there would not be a significant effect in this case with the implementation of mitigation measures as detailed in Exhibit "A"; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the mitigated Negative Declaration prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information contained in the Mitigated Negative Declaration prepared for the proposed division of land in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this map:

1. The proposed design and improvement of the 7-lot subdivision is consistent with the General Plan land use designation of NU (Non Urban Residential; 0.4 to 2 dwelling units per acre) for the subject property and with the General Plan Policy No. 19.3.7, which instructs staff to "Promote high quality development by facilitating innovation in architecture/building design, site planning, streetscapes, and signage."

2. The site is physically suitable for the type and proposed density of development because adequate roadway capacity and infrastructure exist or can be provided, and the site has no topographical constraints.
3. The design and improvement of the subdivision are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because the site is not within a sensitive habitat area, and all potential impacts are reduced to a level of less than significance with mitigation measure as noted in the environmental review section of the staff report.
4. The design and improvement of the subdivision are not likely to cause serious public health problems because adequate sewer and water systems would be provided to the project.
5. The design and improvement of the subdivision would not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision, because all such easements have been incorporated into the proposed public streets (or will be abandoned), based on staff review of a preliminary title report.
6. The proposed subdivision may have a beneficial effect on the housing needs of the region because an additional 7 dwelling units could be provided, and the City has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
7. The proposed subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision because the size and configuration of the parcels would allow for such systems, and

WHEREAS, this Commission, after considering all evidence presented, further finds that approval of the proposed tentative subdivision map would promote the orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby approves the Mitigated Negative Declaration prepared for this project with the finding that although the proposed tentative tract map could have a significant effect on the environment, there would not be a significant effect on the environment after mitigation measures have been applied to the project.
2. This Commission hereby adopts the Mitigation Monitoring Program, Exhibit "A".
3. This Commission hereby approves Tentative Tract Map No. 067591 subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 16<sup>th</sup> day of November 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 09-29**  
**TENTATIVE TRACT MAP NO. 67591**  
**CONDITIONS LIST**  
**November 16, 2009**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution Number 06-11 shall apply, except condition No. 64 (modified below) and deleted Condition No. 59.

**STREETS**

2. Per direction of the Director of Public Works, improve and offer for dedication:
  - 45<sup>th</sup> Street West at 66 feet of an ultimate 80-foot-right-of-way
  - 43<sup>rd</sup> Street West at a 44 feet of an ultimate 54-foot right-of-way
  - West Avenue M-14 at a 44 feet of an ultimate 54-foot right-of-way
  - “B” Street at a 54-foot right-of-way
3. Dedicate the right to restrict direct vehicular access to 45<sup>th</sup> Street West.

**OTHER CONDITIONS**

4. Per the direction of the Planning Director 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.
5. Per the direction of the Directors of Planning and Public Works and prior to approval, landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Development Engineering 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. (Modified Condition No. 64)
6. Per the direction of the Planning Director, all elevations for proposed buildings shall be compatible with the architectural design guidelines established. Elevations shall be submitted to the Planning Department for review 90 days prior to submittal to Building Department. Design and location of such buildings are subject to review and approval by 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. The applicant shall provide 360-degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.

7. Contact the 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.
8. Per the direction of the Public Works Director, any new 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.
9. 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.

#### **ENVIRONMENTAL**

10. A nesting bird survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. If nesting birds are encountered, all work in the area shall cease until either the young birds have fledged or the appropriate permits are obtained from the California Department of Fish and Game.