

AGENDA ITEM: 2.

DATE: 04-19-10

## STAFF REPORT

### GENERAL PLAN AMENDMENT 04-07, ZONE CHANGE 04-08, and TENTATIVE TRACT MAP NO. 62759

DATE: April 19, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Empire Land LLC

LOCATION: 160+ acres located on the southwest corner of 50th Street West & Avenue H

REQUEST:

1. Amendment of General Plan land use from Non-Urban (0.4 to 2.0 dwelling units per acre) to Urban Residential (2.1 to 6.5 dwelling units per acre);
2. Rezoning the property from Rural Residential 2.5 acres (one dwelling unit per 2.5 acres or a minimum net area of 100,000 square feet) to R-7,000 (one dwelling unit per a minimum net area of 7,000 square feet);
3. A subdivision for 655 single family residential lots in the R-7,000 Zone

RECOMMENDATION: Adopt Resolution No. 10-08 denying General Plan Amendment 04-07, Zone Change 04-08, and Tentative Tract Map No. 62759 without prejudice.

BACKGROUND: On March 15, 2010, the Planning Commission continued General Plan Amendment No. 04-07, Zone Change No. 04-08, and Tentative Tract Map No. 62759 to the April 19, 2010, Planning Commission hearing due to improper noticing. In addition, staff sent the applicant and their engineer of record a certified letter dated January 25, 2010, requesting their intent for the abovementioned projects. The letter also stated that if no response was received, then the projects would be recommended for denial at the April 19, 2010, Planning Commission meeting.

ENVIRONMENTAL REVIEW: No environmental review was prepared for the proposed project.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 1,500-foot radius of the project, noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant has not responded to staff's request to complete processing the proposed project. Staff and met with the applicant and their representatives on several occasions as listed below:

- Our records show that the General Plan No. 04-04 and Zone Change No. 04-08 was filed on October 28, 2004.
- On June 3, 2005 Tentative Tract Map No. 62759 was filed.
- Since that time, staff has reviewed the proposed plans and provided comments to the applicant at three Development Review Committee meetings (March 22, 2006, January 31, 2007, December 12, 2007, and December 18, 2007).
- On January 25, 2010, an inquiry as to the intentions regarding the status to either submit revisions or withdraw the project was sent to three different addresses that staff had on file for the applicant by certified mail; no response was received from the applicant. In addition, staff sent a copy of the letter by certified mail to the engineer on file, and a return receipt was received.
- Staff is unable to complete the Environmental Impact Report and make the necessary findings for the proposed project due to lack of progress.
- Staff would not support the request for a General Plan Amendment and Zone Change as it does not conform to the City's 2030 General Plan adopted by the City Council on July 14, 2009; the request is premature at this time as there is sufficient inventory within the urban core of the city to support projected growth until the year 2030.

The applications have been in process for approximately 4½ plus years, which is a reasonable amount of time to complete the review and approval of the request. This project cannot proceed without preparation of an environmental impact report, which the applicant must pay. In addition, the map would require significant redesign to meet current City requirements. The applicant has not indicated any intention of moving forward with this request. At this moment the applications are in a sense, in a suspended state. Staff believes some final resolution needs to be made regarding them.

Therefore, based on the lack of progress or refusal to withdraw the project, staff is unable to complete the EIR and make any findings, and staff is recommending that the Commission deny General Plan Amendment No. 04-07, Zone Change No. 04-08, and Tentative Tract Map No. 62759, without prejudice.

Respectfully submitted,

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Randie Davis, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 10-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, DENYING AN AMENDMENT TO THE ADOPTED GENERAL PLAN OF THE CITY AND AN AMENDMENT TO THE ADOPTED ZONING MAP FOR THE CITY, KNOWN AS GENERAL PLAN AMENDMENT NO. 04-07 AND ZONE CHANGE NO. 04-08, AND DENYING TENTATIVE TRACT MAP NO. 62759

WHEREAS, pursuant to Section 3.c of the City Council Resolution No. 93-07 an application to modify the adopted General Plan of the City has been filed by Empire Land, LLC to redesignate 160± acres of land located on the southwest corner of 50<sup>th</sup> Street West & Avenue H from Non-Urban (NU) to Urban Residential (UR); and

WHEREAS, an application for a Zone Change has been filed pursuant to the regulations contained in Chapter 17.24.050 of the Lancaster Municipal Code to consider a change to the zoning designation on the subject property from Rural Residential-2.5 acres (one dwelling unit per 2.5 acres or a minimum net area of 100,000 square feet) to R-7,000 (one dwelling unit per a minimum net area of 7,000 square feet); and

WHEREAS, pursuant to the regulations contained in Article I of Chapter 16.08 public hearing of the Lancaster Municipal Code a tentative subdivision map has been filed for the division of 160± gross acres of land into 655 residential lots as shown on the attached site map; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended that the General Plan, Zone Change and Tentative Tract Map request be denied due to a significant and continuing lack of progress by the applicant; and

WHEREAS, notice of intention to consider a General Plan Amendment, and a Zone Change of the subject property was given as required by law and in Section 17.24.110 of the Zoning Ordinance and a public hearing was held on April 19, 2010, pursuant to Section 65854 of the Government Code of the State of California, and

WHEREAS, pursuant to Section 65956 of the Government Code of the State of California a public notice was provided as required by law and a public hearing was held on April 19, 2010; and

WHEREAS, no Environmental Impact Report was performed for this project because the applicant did not supply the necessary information to complete the study; and

WHEREAS this Commission hereby denies the General Plan Amendment, Zone Change and Tentative Tract Map based on the following findings:

1. The applicant has failed to supply the information necessary to evaluate the proposals and complete an environmental impact report, and

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General Plan Amendment No. 04-07, Zone Change No. 04-08, Tentative Tract Map No. 2759

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2. This lack of information and environmental documentation does not allow the findings necessary for a General Plan Amendment, Zone Change and Tentative Tract Map to be substantiated.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby denies General Plan Amendment No. 04-07, Zone Change No. 04-08, and Tentative Tract Map No. 62759, without prejudice.

PASSED, APPROVED and ADOPTED this 19<sup>th</sup> day of April 2010 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