

AGENDA ITEM: 3.

DATE: 01-24-11

**STAFF REPORT**

**TENTATIVE TRACT MAP NO. 69992**

DATE: January 24, 2011

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Kimberly Juday

LOCATION: 5.08± gross acres located on the east side of future 37<sup>th</sup> Street West between future Avenue L-10 and Avenue L-12

REQUEST: A subdivision for 8 single family lots in the SRR Zone

RECOMMENDATION: Adopt Resolution No. 11-02 approving Tentative Tract Map No. 69992.

BACKGROUND: There have been no prior hearings before either the City Council or the Planning Commission concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject property is designated as NU (Non-Urban Residential; 0.4 to 2 dwellings units per acre) by the General Plan, is zoned SRR (Semi-Rural Residential; one single family dwelling unit per minimum lot size of 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	Vacant
EAST	NU	SRR	Vacant
SOUTH	NU	SRR	Vacant
WEST	NU	SRR	Vacant

PUBLIC IMPROVEMENTS: The site is bounded to the north by future Avenue L-10 and to the east by future 37<sup>th</sup> Street West, which are undeveloped. 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 impact resulting from the proposed subdivision after mitigation measures have been applied. Potential effects are discussed more fully in the attached Initial Study. The Initial Study prepared for the proposed project was sent to the State Clearinghouse SCH # 20100111067 for public review. This 30-day public review period ended on December 17, 2010. 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.

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 the newspaper of general circulation per prescribed procedure.

ANALYSIS: The project consists of a subdivision for 8 single family lots ranging in size from 21,137 square feet to 22,275 square feet in the SRR Zone. 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 minimum lot size of 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 and the surrounding parcels are vacant.

The proposed residential subdivision would have access from Avenue L-10 via 35<sup>th</sup> Street West. The City's Subdivision Ordinance Section 16.20.080 establishes standards that are intended to retain the rural character of the area. All interior streets must meet the rural street standards. The proposed subdivision has the potential to generate 80 vehicular trips per day with 8 trips occurring during peak hours which would not significantly impact surrounding streets.

The density of the development is consistent with the General Plan designation of 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. 69992.

Respectfully submitted,

---

Elma Watson, Assistant Planner

cc Applicant  
Engineer

## **RESOLUTION NO. 11-02**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 69992**

WHEREAS, a tentative subdivision map has been filed by Kimberly Juday for the division of 5.08± gross acres located on the east side of future 37<sup>th</sup> Street West between future Avenue L-10 and Avenue L-12, into 8 single family lots, as shown on the attached site map; 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, public notice was provided as required by law and a public hearing was held on January 24, 2011; 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 will 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 8-lot subdivision is consistent with the General Plan land use designation of NU (Non-Urban Residential) for the subject property.

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 reduce to a level of less than significance with mitigation 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 will be provided to the project.
5. The design and improvement of the subdivision will 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 8 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 will 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 findings that proposed subdivision will not have a significant effect on the environment.
2. This Commission adopts the Mitigation Monitoring Program, Exhibit "A".
3. This Commission hereby approves Tentative Tract Map No. 69992, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 24<sup>th</sup> day of January, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

---

BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 11-02  
TENTATIVE TRACT MAP NO. 69992  
CONDITIONS LIST  
January 24, 2011**

**GENERAL/ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-25 shall apply except Condition Nos. 21, 65, 67, 68 and 76.

**STREETS**

2. Per direction of the Public Works Director, improve and offer for dedication the following streets to rural street standards:
  - 37<sup>th</sup> Street West at 44 feet of an ultimate 54-foot right-of-way (improved with 30 feet of pavement, a 2-foot-wide rolled curb on each side of the street, and a 10-foot-wide parkway)
  - Avenue L-10 at 44 feet of an ultimate 54-foot right-of-way (improved with 30 feet of pavement, a 2-foot-wide rolled curb on each side of the street, and a 10-foot-wide parkway)
  - Avenue L-12 at 44 feet of an ultimate 54-foot right-of-way (improved with 30 feet of pavement, a 2-foot-wide rolled curb on each side of the street, and a 10-foot-wide parkway)
  - Street "A" at 44 feet of an ultimate 54-foot right-of-way (improved with 30 feet of pavement, a 2-foot-wide rolled curb on each side of the street, and a 10-foot-wide parkway)
3. Per the direction of the Director of Public Works, provide a 30-foot wide paved access with rolled curb on both sides of Avenue L-10 from Lot 1 to 35<sup>th</sup> Street West **or** on both sides of Avenue L-12 from Lot 8 to 35<sup>th</sup> Street West.

**LANDSCAPING**

4. Per the direction of the Planning Director, landscaping and irrigation system shall be installed on all portions of single family residential lots open to view from a public street not used for building, vehicle access, or parking and to be maintained by the homeowner.

**OTHER CONDITIONS**

5. The applicant shall vary setbacks of house placement and meet all requirements of the Architectural Design Guidelines.
6. Contact Quartz Hill Water District to determine if there are additional off-site improvements or conditions which would be required. The proposed development will also be required to pay all applicable District fees.

7. Use of on-site septic systems is subject to approval of the Lahontan Regional Water Quality Control Board (LRWQCB). Should the LRWQCB not approve the use of on-site septic systems, the project shall be required to connect to sanitary sewer.
8. Based on the Biological Resource Report for the proposed subdivision and per the direction of the Planning Director, a burrowing owl survey shall be made by a qualified biologist within thirty (30) days prior to ground disturbing activities. If burrowing owls or signs thereof are discovered during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management measures for this species. Evidence that such re-examination has occurred shall be submitted to the Planning Department.
9. Based on the Biological Resource Report for the proposed subdivision and per the direction of the Planning Director, a nesting bird survey shall be made by a qualified biologist within a week prior to construction/ground disturbing activities. If nesting birds or signs thereof are discovered during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management measures for the species. Evidence that such re-examination has occurred shall be submitted to the Planning Department.
10. Based on the comments from Fish and Game for the proposed subdivision and per the direction of the Planning Director, focused trapping surveys for Mohave ground squirrel shall be conducted to determine the presence/absence of this species on the project site. These surveys shall be conducted in accordance with standard protocol established by CDFG. If Mohave ground squirrels are determined to be present on the project site, consultation with CDFG shall be required in order to obtain an Incidental Take Permit under §2081 of the CDFG Code.