

RESOLUTION NO. 15-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION BY DENYING THE APPEAL FOR A ONE-YEAR EXTENSION FOR TENTATIVE TRACT MAP NO. 62121 (A REQUEST FOR 115 SINGLE FAMILY LOTS ON 30.3 ACRES LOCATED AT THE NORTHWEST CORNER OF 40TH STREET WEST AND AVENUE K)

WHEREAS, a one-year extension has been requested by Royal Investors Group, LLC as the representative for Infinity 26, LLC, for Tentative Tract Map No. 62121; and

WHEREAS, an application for the above-described extension was filed with the City of Lancaster and was considered by the Planning Commission on October 19, 2015; and

WHEREAS, the Planning Commission upon review of the extension request determined that it did not meet the required findings as contained in Section 16.08.170 of the Lancaster Municipal Code (Subdivision Ordinance); and

WHEREAS, the applicant filed an appeal of the Commission's determination on November 2, 2015, in accordance with Chapter 2.44 of the Lancaster Municipal Code (Uniform Appeal Procedure); and

WHEREAS, notice was provided as required by law and a public hearing to consider the appeal request was held by the City Council on December 8, 2015; and

WHEREAS, this Council, upon review of all evidence in the record, hereby adopts the following findings in upholding the Planning Commission denial of this application:

1. The approval of the extension is not consistent with the goals, objectives, action programs, and land use designations of the adopted General Plan, because the current design of the map would not allow for the development of the property in accordance with the current land use patterns of the General Plan; specifically, 10 acres of the overall site is designated as C (Commercial), which was not the land use pattern in existence at the time of the original map approval on October 16, 2006.
2. The findings justifying the original approval of the tentative map on October 16, 2006, do not remain valid because of the revised land use pattern established by the General Plan adopted in July 2009; further, the map would require significant and substantial revisions to make it consistent with the adopted General Plan, and this level of revision does not meet the intent of Section 16.08.170 of the Lancaster Municipal Code to allow for extensions of maps that remain substantially consistent with the original approval.

NOW, THEREFORE, BE IT RESOLVED:

WHEREAS, this Council, after considering all the evidence presented, hereby denies the appeal and upholds the Planning Commission denial of a one-year extension for Tentative Tract Map No. 62121.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)	
COUNTY OF LOS ANGELES)	ss
CITY OF LANCASTER)	

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 15-69, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

PLANNING COMMISSION ACTION:

APPROVED (5-0-0-1-0) (RECUSED: Cook)

AGENDA ITEM:

2.d.

DATE:

10-19-15

STAFF REPORT

**TENTATIVE TRACT MAP NO. 62121
REQUEST FOR EXTENSION**

DATE: October 19, 2015

TO: Lancaster Planning Commission

FROM: Planning Section, Community Development Division
Development Services Department *BL*

APPLICANT: Royal Investors Group, LLC

LOCATION: 30.3± gross acres located on the northwest corner of 40th Street West and Avenue K

REQUEST: A subdivision for 115 single-family lots in the R-7,000 zone

RECOMMENDATION: Deny the request for a one-year extension, based on the findings contained in the staff report.

BACKGROUND AND STATUS: The General Plan land use designation for this location is UR (Urban Residential) and C (Commercial), is zoned R-7,000 (single-family residential, minimum lot size 7,000 square feet) and CPD (Commercial Planned Development), and is currently vacant. On October 16, 2006, the Planning Commission approved Tentative Tract Map No. 62121 for two years. Since 2008, the State of California granted four automatic time extensions, with the passing of SB 1185 in 2008, AB 333 in 2009, AB 208 in 2011, and AB 116 in 2013, which carried the expiration of this map to October 16, 2015. The State of California has not passed a bill to grant another time extension. As a result, the applicant is requesting a one-year extension; which will be the first of three available extensions for this map. The applicant states that the completion of final improvement plans will require additional time.

ANALYSIS: Since the time of the map's original approval in 2006, the General Plan designation and zoning for 10 of the 30 acres, located at the northwest corner of 40th Street West and Avenue K, had changed from Urban Residential and R-7,000 (Single-family residential) to Commercial and Commercial Planned Development, respectively, as part of the City's comprehensive General Plan and zoning update in 2009. The City has also adopted standards and regulations to improve the quality of development in the City, as reflected in the City's General Plan, Design Guidelines, Master Plan of Trails and Bikeways, revised Residential Zones, and other efforts.

In review of Tentative Tract Map No. 62121, staff is recommending denial to the time extension request due to the findings as listed below, in light of the City's newly adopted policies, standards and guidelines. In summary, the single-family subdivision no longer meets the design goals and objectives of the new land use designation and zoning for the property.

FINDINGS:

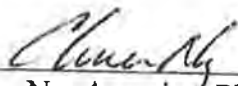
1. The approval of the extension is **not** consistent with the goals, objectives, policies, action programs, and current land use designation of C (Commercial) of the adopted General Plan, as described below.

Table 8-1, Commercial land use description: "Includes a broad spectrum of uses, including regional, community, neighborhood, and highway-oriented uses with floor area ratios ranging from 0.5 to 1.0."

Furthermore, the City's Zoning Code provides the following description for the CPD zone: "The purpose and intent of the CPD zone is to provide the means necessary to implement the city general plan, specifically the "regional," "subregional" and "general commercial" categories as set forth in the text of the general plan and as delineated on the general plan map. This zone is also intended to be applied to lands so designated which are subject to, or the development of which involves special consideration such as proximity to residential neighbors which merit the attention of the planning commission and applications of special conditions to deal with such concerns. This zone is intended to be in accordance with applicable goals, objectives, policies and programs, and standards of development set forth by the general plan. This zone is intended to provide for the daily commercial needs of residents of the city and adjoining areas, visitors and business in an urban environment with full urban services."

2. The findings justifying the original approval of the tentative map on October 16, 2006, **do not** remain valid, given the City's currently adopted General Plan objectives, policies, and specific actions, and other supporting standards, regulations and guidelines.

Respectfully submitted,


Chuen Ng, Associate Planner

cc Applicant
Engineer

Attachments: Applicant's Findings
Planning Commission Staff Report for October 16, 2006

40th St W

↑ N

TTM

62121

Ave K

Tentative Tract Map Extension

TTM 62121

August 15, 2015

1. The approval of the extension is consistent with the goals, objectives, policies, action programs, and land use designations of the adopted general plan applicable to the subject property because:

The approved tentative tract map permits the ultimate development of 115 lots. The development of high quality, affordable residences is consistent with the goals of the general plan. Approval of the extension in no way affects or changes the existing land use designation applicable to the subject property.

2. The approval of the extension will allow for development of a project that is of benefit of the public health, safety and welfare through completion of vital infrastructure or public improvements, correction of existing of hazardous conditions, or enhancement of public facilities because:

Granting the extension and the ultimate development of the residential tract will help complete the overall street pattern within the City of Lancaster. Furthermore, development of the property will require construction of drainage, sewer and water infrastructure for the betterment of the immediate vicinity.

3. The granting of the extension is necessary to allow sufficient time for the subdivider to complete final maps and improvement plans that are currently being processed.

The applicant has contracted with a Civil Engineer for the completion of the improvement drawings necessary to record a final map. Granting the extension will allow the applicant's engineer to complete their work, submit for plan check and attain necessary permits.

4. There is no substantial change in the land use or development patterns in the vicinity of the tentative map that would cause detriment to the public health, safety, or welfare should the extension be granted because:

There is no substantial change in the land use or development patterns in the vicinity. Since the time of the original approval these uses have remained constant and no changes are anticipated to these uses.

per acre) and the R-7,000 zoning designation of the property (minimum lot size of 7,000 square feet). Division of the property would allow for the construction of a single family residence on each lot.

The subdivision would have two access points; one from Avenue K via 42nd Street West and the second from the northeast by a 30-foot wide paved access from 40th Street West via future Avenue J-12 and connect to "G" Street. City design standards require that a subdivision provide access at the quarter mile point on major arterials, and that a subdivision exceeding a cumulative street length of 700 feet be required to provide a paved secondary access. Therefore, the applicant is being conditioned to provide a 30-foot wide paved access through the adjacent property to the north (TTM 062578) and connect with 40th Street West via the future Avenue J-12. Internal circulation and individual lot access would be provided by a series of local collector streets.

The proposed subdivision has the potential to generate 1,150 vehicular trips per day, which according to the Director of Public Works, should not significantly impact surrounding streets. The applicant would be required to improve Avenue K and 40th Street West with full street improvements; this would include raised landscaped medians in both Avenue K and 40th Street West. The median in Avenue K would be designed to provide left-turn pockets at the intersection with 40th Street West and for the future intersection at 42nd Street West. The median in 40th Street West would be designed to provide a left-turn lane at the Avenue K intersection. In addition, the applicant is being conditioned to extend the street improvements for 40th Street West, including a raised landscaped median with a left-turn lane at the Avenue J-12 intersection, should this subdivision develop prior to the adjacent TTM 062578 to the north. Also required is a right-turn lane on Avenue K at the 42nd Street West intersection and on 40th Street West at the intersection with Avenue K. Internal subdivision design incorporates a series of right-angle turns, cul-de-sacs, and short street segments which will help to reduce vehicular speeds within the subdivision. This, in addition to the Avenue K and 40th Street West street improvements, would provide for adequate circulation and ensure that traffic will not adversely affect traffic flow on any of the area streets.

The property to the west of this proposed subdivision lies within Los Angeles County and has a rural designation. The existing homes are on lots approximately one acre in size and the lot widths along 42nd Street West average 125 feet. The minimum lot width in the R-7,000 Zone is 60 feet, however, the proposed row of lots that fronts 42nd Street West is designed to range between 91 and 102 feet in width and the proposed square footage would be in excess of 10,000 square feet in size. The City's General Plan Policy 18.1.5. states: "Employ transitional or graduated density zoning patterns to mitigate the interface between higher and lower intensity land uses." This row of lots, as proposed, would provide a transition between the rural density land use on the west side of 42nd Street West from the urban density land use on the east side of 42nd Street West.

A 10-foot-wide landscape maintenance district and a decorative masonry wall would be required along Avenue K and 40th Street West in accordance with City policy. A perimeter masonry wall will also be required along north property line.

Per the direction of the Public Works Director, the applicant is being conditioned to install a 66-inch Master Plan of Drainage storm drain in 40th Street West that would extend north from Avenue K to an existing 66-inch storm drain at Avenue J-12. Also, due to an historic problem with drainage in the vicinity of 42nd Street West and Avenue K, the applicant is being conditioned to provide a storm drain that would be installed in Avenue K to collect off-site drainage near 42nd Street West and carry it east to the 66-inch Master Plan of Drainage storm drain in 40th Street West.

A Phase I Archaeological Survey was conducted on the property during the month of August 2004 by W & S Consultants. Results of the Phase I study indicated that no cultural resources were identified in the project area and, therefore, the proposed project will not adversely impact any such resources. Details of the Cultural Resource investigation are contained in the Initial Study prepared for this map. If archaeological remains are unearthed during grading, or construction of the project, a qualified archaeologist should be called in to evaluate the discovery and, if necessary, implement appropriate mitigation.

The original biological report for Tentative Tract Map 62121 was prepared by Mark Hagan on December 21, 2004, and entitled "Biological Resource Assessment of APN 3153-025-018 and APN 3153-025-019, Lancaster, California". As a result of this biological report, the Initial Study prepared for the proposed project on October 17, 2005, concluded the following:

"...the proposed project is not located within the geographic range of the Mohave ground squirrel; no burrowing owls (*Athene cunicularia*) or sign were observed during the field survey, and no desert tortoises (*Gopherus agassizii*) or their sign were observed during the field survey. Although no burrowing owls were observed during the field survey, the concrete stand pipes in the eastern portion of the study area may provide potential cover sites for this species. Therefore, within 30 days prior to ground disturbing activity, a survey of the concrete stand pipes for burrowing owls shall be conducted."

A comment letter from the California Department of Fish and Game (CDFG) was received on October 17, 2005, concerning the proposed project. This letter concurred with the findings of the biological report requiring a 30-day burrowing owl survey and listed specific mitigation measures that should be required in the event that burrowing owls were identified. The proposed project was approved on October 17, 2005, at the Planning Commission with an added conditioning requiring the presence of a CDFG representative during the preconstruction survey.

On October 31, 2005, an appeal of the Planning Commission decision was filed at the City Clerk's office. The appeal hearing was scheduled for the City Council meeting on February 14, 2006. Prior to the appeal hearing, sometime between January 16 and January 22, 2006, the on-site concrete standpipes were destroyed and additional ground disturbance occurred. This destruction was brought to the attention of the Planning Department on January 23, 2006, (Brian Ludicke, Planning Director) in an email from Scott Harris of the California Department of Fish and Game. At the City Council meeting on February 14, 2006, the appeal of this project was heard. It was recommended to the City Council by staff that the applicant for the project have a new biological resources report prepared and the Initial

Study for the proposed tract circulated through the State Clearinghouse for a 30-day public review. The City Council agreed with the staff recommendation.

A new biological report was prepared for the project site by Impact Sciences, Inc. and the results were documented in a report entitled "Biological Resources Assessment, Royal Investors Group Project Site, City of Lancaster, California" and dated June 2006. The primary purpose of the assessment was to characterize onsite biological resources with particular focus on those resources that may pose a constraint to future development of the site. Surveys were conducted on January 18, April 7, and June 29, 2006. The focus of the January site visit was to determine the potential of the site to support burrowing owls. The focus of the April 7th visit was to search for special status plant species and burrowing owl, while the focus of the June 29th site visit was to search for the California horned lizard.

The project site is severely disturbed as indicated by the predominance of weedy vegetation, the presence of debris piles, an east-west trending man-made berm in the middle of the site, and other evidences of past and present human activities. Dominant plants observed on the site include Russian thistle, downy brome, and African mustard. Other plant species observed in the southern portion of the site included horseweed, red-stemmed filaree, and several annual grasses. Several small black locust trees are present in the southeastern corner of the site. No special status plant species were observed during the site visits. No California horned lizards were observed on the project site during surveys although the site provides suitable habitat. Mitigation is listed below to reduce potential impacts to this species.

A burrowing owl burrow survey was conducted on the project site on January 18, 2006, to determine if burrowing owls could potentially use the site for shelter and/or breeding. The survey was conducted pursuant to the Burrowing Owl Survey Protocol and Mitigation Guidelines prepared by the California Burrowing Owl Consortium and endorsed by CDFG. The project site had been previously determined to contain suitable burrowing owl habitat. The survey conducted in January constituted the Phase II burrow survey.

Burrowing owls typically use burrows made by fossorial mammals or man-made structures such as cement culverts, debris piles, etc. Numerous rodent burrows were observed throughout the site, with most of the openings ranging in size from 1 to 3 inches. Several appeared to be a bit larger, but all were considered too small for use by burrowing owls. It was concluded that no natural burrows occurred on the project site at the time of the January survey that could support wintering or breeding burrowing owls. One above ground plastic pipe that appeared to be about 20 feet in length with a diameter of approximately 8 inches was observed near the eastern boundary of the site. Such structures may provide burrow and/or perching habitat for the owls. However, no sign of burrowing owls were observed near or on the pipe during the January survey. In addition, no evidence of owls was observed during the April or June field surveys. However, the site is generally suitable for burrowing owls. In addition, owls have been known to historically occur on the project site. Therefore, impacts to burrowing owls could occur as a result of development of the project site and the following mitigation measures are required to reduce impacts to less than significant levels.

1. Within one week of the start of grading and/or construction activities, a survey for the California horned lizard shall be conducted. If this species is identified on the project site, the applicant

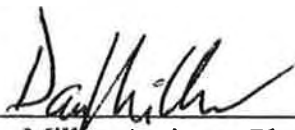
shall contact the California Department of Fish and Game to determine appropriate mitigation requirements.

2. A burrowing owl survey shall be conducted within 30 days of the start of grading/construction activities. If any active burrows are found on the project site, a temporary 300 to 500-foot setback buffer shall be established around the nest sites until the young have fledged and are no longer dependent on the burrow. Once the young have fledged, the burrows can be demolished by a qualified biologist and in coordination with the CDFG.
3. The applicant shall acquire and preserve 10 acres of similar habitat offsite in order to mitigate the loss of owl habitat. The offsite habitat must contain suitable burrowing owl breeding and foraging habitat and must occur in the greater Lancaster/Palmdale region. Selection of the site shall be approved by the City of Lancaster and CDFG prior to the issuance of grading permits.

A Phase I Environmental Site Assessment (ESA) was performed by California Environmental in November 2004; the report stated that there is no known hazardous waste on the site or in the vicinity, however, the ESA recommended subsurface soil testing for pesticides since there is evidence the site was once farmed and a geophysical test for screening the former developed area for underground tanks. A Phase II ESA for subsurface assessment, field geophysics, and soil sampling was completed in July 2005. The subsurface assessment work implemented for the Phase II found no anomalies indicative of underground tanks. However, magnetic anomalies indicative of surficial metal debris, concrete slabs with metal pipes (up to 75 feet wide by 160 feet wide), and utility conduits beneath the surface area were found. These anomalies do not require any environmental mitigation or monitoring, however, a condition has been added to require an investigation prior to grading by excavating test pits with a backhoe. Soil samples from eleven test-holes throughout the site were analyzed for pesticides. Concentrations of chlordane, DDT, and DDE exceeding current cleanup standards were not found. Additional soil sampling is not recommended.

The density of the development is consistent with the General Plan designation of Urban Residential (2.1 to 6.5 dwelling units per acre); the proposed subdivision meets the City's zoning requirements for the R-7,000 Zone; and sufficient access, utilities, and infrastructure exist or can be extended to serve the project. Therefore, staff is recommending that the Commission approve Tentative Tract Map No. 62121.

Respectfully submitted,



Dan Miller, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 05-71

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 62121

WHEREAS, a tentative subdivision map has been filed by Royal Investors Group LLC for the division of 30.3± gross acres of land into 115 single family lots located on the northwest corner of 40th Street West and Avenue K, 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 R-7,000 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 October 16, 2006; 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 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 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, based on the Initial Study prepared for the project, this Commission hereby finds that the proposal will have a de minimis impact on wildlife resources as defined in Section 711.2 of the Fish and Game Code of the State of California and hereby authorizes staff to file a Certificate of Fee Exemption pursuant to Section 753.5, Title 14, California Code of Regulations; and

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

1. The proposed design and improvements of the 115-lot subdivision are consistent with the General Plan land use designation of UR (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 insignificant 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 115 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 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 will not be a significant effect in this case because mitigation measures have been added to the project.

3. This Commission hereby approves Tentative Tract Map No. 62121, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 16th day of October, 2006, by the following vote:

AYES: Commissioners Faux and Salazar, Vice Chairman MacPherson, Chairman Mann

NOES: None

ABSTAIN: Commissioner Troth

ABSENT: None



KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster



Avenue K

42nd Street West

TTM 062121

40th Street West

**ATTACHMENT TO PC RESOLUTION NO. 05-71
TENTATIVE TRACT MAP NO. 62121
CONDITIONS LIST
October 16, 2006**

GENERAL/ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 06-11 shall apply except Condition No. 59.

STREETS

2. Per direction of the Public Works Director, improve and offer for dedication:
 - Avenue K at 70 feet of an ultimate 100-foot right-of-way
 - 40th Street West at 70 feet of an ultimate 100-foot right-of-way
 - 42nd Street West at 44 feet of an ultimate 64-foot right-of-way
 - "A," "B," "C," "D," "E," "F," and "G" Streets at a 60-foot right-of-way
3. Per the direction of the Public Works Director, dedicate the right to restrict direct vehicular access to Avenue K and 40th Street West.
4. Per the direction of the Public Works Director, install a raised landscaped median with stamped concrete in Avenue K and 40th Street West.
5. Per the direction of the Public Works Director, provide a left-turn lane in the raised median in Avenue K at the intersection of 40th Street West and 42nd Street West. The turn pocket shall be 10 feet in width, and 200 feet in length with a 90-foot transition.
6. Per the direction of the Public Works Director, provide a left-turn lane in the raised median in 40th Street West at the intersection of Avenue K. The turn pocket shall be 10 feet in width, and 200 feet in length with a 90-foot transition.
7. Per the direction of the Public Works Director, provide a left-turn lane in the raised median in 40th Street West at the intersection of Avenue J-15. The turn pocket shall be 10 feet in width, and 150 feet in length with a 90-foot transition.
8. Per the direction of the Public Works Director, should this subdivision develop prior to the adjacent tract to the north (TTM 062578), extend the street improvements for 40th Street West north to Avenue J-12. This includes the raised landscaped median with left-turn lane at the Avenue J-12 intersection. The turn pocket shall be 10 feet in width, and 150 feet in length with a 90-foot transition.

9. Per direction of the Public Works Director, provide additional dedication and improvement for a right-turn lane on Avenue K at the intersection with 42nd Street West. The lane and dedication shall be 12 feet in width and 150 feet in length, with a 90-foot transition.
10. Per the direction of the Public Works Director, provide a 30-foot wide paved secondary access to the nearest paved street prior to taking access from 40th Street West and Avenue J-12 or development proceeding beyond 700 feet by way of future Avenue J-12 to "G" Street.

DRAINAGE

11. Per the direction of the Public Works Director and the Master Plan of Drainage, install a 66-inch Master Plan of Drainage storm drain in 40th Street West that would extend north from Avenue K to an existing 66-inch storm drain at Avenue J-12; and install a storm drain in Avenue K, to collect off-site drainage near 42nd Street West and carry it east to the 66-inch Master Plan of Drainage storm drain in 40th Street West.

OTHER CONDITIONS

12. Per the direction of the Planning Director, within one week of the start of grading and/or construction activities, a survey for the California horned lizard shall be conducted. If this species is identified on the project site, the applicant shall contact the California Department of Fish and Game to determine appropriate mitigation requirements
13. Per the direction of the Planning Director, a burrowing owl survey consisting of four site visits in accordance with CDFG requirements shall be conducted within 30 days of the commencement of site disturbance activities. If any active burrows are found on the project site, a temporary 300 to 500-foot setback buffer shall be established around the nest sites until the young have fledged and are no longer dependent on the burrow. Once the young have fledged, the burrows can be demolished by a qualified biologist and in coordination with the CDFG.
14. Per the direction of the Planning Director and CDFG, the applicant shall acquire and preserve 30 acres of similar habitat offsite in order to mitigate the loss of owl habitat. The offsite habitat must contain suitable burrowing owl breeding and foraging habitat and must occur in the greater Lancaster/Palmdale region. Selection of the site shall be approved by the City of Lancaster and CDFG prior to the issuance of any site disturbance activities. The 30-acre mitigation property shall be transferred to a local conservancy for future preservation.

RESOLUTION NO. 06-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF LANCASTER, CALIFORNIA, ADOPTING CERTAIN
STANDARDIZED CONDITIONS OF APPROVAL FOR
TENTATIVE TRACT MAPS

WHEREAS, the Community Development staff presented to the Planning Commission a list of seventy (70) conditions which are applied to Tentative Tract Maps when they are approved by said Commission; and

WHEREAS, the staff explained to the Commission that since these are standard conditions for almost all tentative maps, it might be more appropriate to adopt them by resolution for reference purposes as it would save time in preparing the reports and Commission time in hearing said reports; and

WHEREAS, it was further explained by staff that adoption of these standard conditions and incorporating by reference would be a more efficient and consistent approach to applying said conditions to the tentative maps approved by the Commission; and

WHEREAS, after discussion, it was the consensus of the Commission that it would be in the best interest of all concerned that the above-mentioned conditions of approval be adopted by resolution and referred to by resolution number for all Tentative Tract Maps;

NOW, THEREFORE THE LANCASTER PLANNING COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:

The Planning Commission hereby establishes the following conditions of approval as standard conditions to be used by reference in conjunction with all Tentative Tract Map approvals.

GENERAL/ADVISORY

1. The approval of this tentative map shall expire 24 months from the date of conditional approval. The subdivider may file for an extension of the conditionally approved map prior to the date of expiration for a period of time not to exceed one year. If such extension is requested, it must be filed no later than sixty (60) days prior to expiration.
2. The applicant shall be responsible for notifying the Department of Community Development in writing of any change in ownership, designation of a new engineer, or a change in the status of the developer, within thirty (30) days of said change.

3. If the map is to be recorded in phases, the subdivider shall submit a phasing plan to the Department of Community Development for approval thirty (30) days prior to filing the final map of the first phase.
4. The subdivider shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this subdivision, which action is brought within the time period provided for in Section 66499.37. of the Subdivision Map Act. The City shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the subdivider or fails to cooperate fully in the defense.
5. Comply with all requirements of the Municipal Code and of the specific zoning of the subject property.
6. All necessary permits shall be obtained from the Building and Safety Division of the Public Works Department prior to any construction, remodeling or replacement of buildings or other structures.
7. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
8. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
9. All offers of dedication shall be noted by certificate on the face of the final map.
10. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets or highways, access rights, building restriction rights, or other easements until after the final map or Grant of Waiver/Certificate of Compliance is filed with the County Recorder unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
11. Provide letter(s) of slope easement(s) as directed by the Director of Public Works.
12. The subdivider, by agreement with the Director of Public Works, may guarantee installation of improvements as determined by the Director of Public Works through faithful performance bonds, letters of credit or any other acceptable means.

13. For residential subdivisions, the subdivider shall be required to install distribution lines and individual service lines for community antenna television service (CATV) for all new development.
14. Submit a soils report on the properties of soils as detailed in Chapter 18 of the Uniform Building Code and as required by City's Building and Safety Department and Engineering Department on all building sites in the proposed subdivision.
15. The applicant is advised that details shown on the tentative map are not necessarily approved. Any details which are inconsistent with requirements of ordinances, general conditions of approval, or City policies must be specifically approved.
16. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) L.A. Co. Residential Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc.).
17. The applicant is advised model homes will only be open for inspection by the public after adequate off-street parking is provided, or after the adjoining street improvements have been completed.
18. The applicant is hereby advised that the use of any signs, strings of pennants, banners, or streamers, clusters of flags and similar attention-getting devices are prohibited, except where there has been prior approval from the Department of Community Development.

STREETS

19. Per the direction of the Director of Public Works, street improvements include pavement, curb, gutter, sidewalk, street lights, undergrounding of utilities etc. The applicant is to reconstruct the street to centerline if the existing pavement section does not meet the Department of Public Works required structural section. Additional pavement as required to transition to existing pavement or as needed to provide additional turn lanes opposing new improvements shall also be included in street plans.
20. Place above ground utilities including, but not limited to, fire hydrants, junction boxes and street lights outside sidewalk on local and collector streets.
21. Construct local and collector streets in urban residential areas to alternate section specifications.

22. If determined necessary by the Director of Public Works, testing of the existing pavement section is to be performed prior to submitting street plans for plan checking. The minimum allowable structural section will be per the City requirement or the soil test recommendation whichever is greater based on the City's Traffic Index for the street. Removal and reconstruction to the street centerline may be necessary to meet the required structural section.
23. Street grades shall meet the specifications of the Department of Public Works.
24. Design local residential subdivision streets, to City standards, to have a minimum design speed of 35 mph for a 64-foot right-of-way, 30 mph design speed for a 60-foot right-of-way and 25 mph design speed for 58-foot or less right-of-way.
25. Design local residential streets to have a minimum curve length of 100 feet. The length of the curve outside of the BCR is used to satisfy the 100-foot minimum length requirement. A minimum 50-foot tangent is required between two curves. No residential street shall have a centerline radius less than 200 feet. The minimum centerline radius on a residential street with an intersecting residential street on the concave side should comply with minimum design speed sight distances per the current City guidelines.
26. Local street(s) shall be aligned such that the central angles of the right-of-way radius returns do not differ by more than 10 degrees.
27. Align the centerlines of all local streets without creating jogs of less than 150 feet when intersecting a street with a 64-foot right-of-way or less, except that a 1-foot jog may be used where a street changes width from standard 60-foot to standard 58-foot right-of-way.
28. Provide at least 40 feet of frontage at the property line and approximately radial lot lines for all lots fronting on the cul-de-sacs or knuckles.
29. In residential subdivision, mailboxes and posts shall be installed per City standards. Secure approval of U.S. Postal Service prior to installation.
30. Street lights are required per adopted City ordinance or policy.
31. Prior to recordation of the final map, the property shall be annexed into the Lancaster Lighting District.
32. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20, Article II entitled Installation/Relocation For New/Expanded Development of Overhead Utilities (Ordinance No. 361).

33. Pursuant to Section 65089.6 of the Government Code, the project will be subject to the Congestion Management Plan (CMP) mitigation requirements, including mitigation fees.
34. Per the direction of the Director of Public Works, the asphalt surface course for all arterial streets shall be constructed with rubber modified asphalt. The type of rubber modified asphalt shall be as specified by the City and shall be determined in final design.
35. Per the direction of the Director of Public Works, the interior streets in residential tracts shall be treated with Reclamite pavement rejuvenation solution prior to completion of the one-year maintenance period.
36. Per the direction of the Director of Public Works, a Dust Control Plan shall be prepared and submitted to the Antelope Valley Air Quality Management District (AVAQMD) in accordance with Rule 403 of AVAQMD. An approved copy of the Dust Control plan shall be submitted to Public Works prior to issuance of a grading permit within the City for residential projects of 10 acres and larger and for commercial/industrial projects of 5 acres and larger. In lieu of an approved plan, a letter waiving this requirement shall be submitted.
37. Per the direction of the Director of Public Works, the Developer shall install a conduit pull rope, and pull boxes along regional, primary and secondary arterials to the nearest arterial intersection to be used for future Traffic Signal Communication Interconnect. The interconnect system shall be installed in accordance with the specifications approved by the Traffic Division.
38. Per the direction of the Director of Public Works, a secondary access is required when development reaches 700 feet in urban areas or 1,000 feet in rural areas.
39. Label private streets as "Private Drives and Fire Lanes" on the final map.
40. Per the direction of the Director of Public Works, construct ADA "walk arounds" at all driveways to the specifications of the Director of Public Works and install ADA curb ramps at all intersections.
41. Per the direction of the Director of Community Development and the Director of Public Works, garages shall maintain a 20 foot setback from property line (R-7,000, R-8,500 and R-10,000 Zones only).
42. Final map design shall be coordinated with the Antelope Valley Transportation Authority (AVTA) for ADA-compliant sidewalks of sufficient width to accommodate ADA-compliant bus benches and shelters.

DRAINAGE

43. Portions of the property are subject to sheet overflow and ponding.
44. Provide for contributory drainage from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
45. A hydrology study shall be submitted and approved prior to the filing of the final map. The hydrology study shall verify, among other things, that the proposed streets and existing downstream streets are able to carry, top of curb to top of curb, the anticipated flow through the subdivision, and/or that potential drainage problems will be mitigated through the installation of drainage structures such as culverts, storm drains, or other improvements.
46. Submittal of an overall drainage plan/hydrology study which shows the surface flow, nuisance water, and mitigation plan is required prior to submittal of final map.
47. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
48. Per the direction of the Director of Public Works, if the project is located in Flood Zone AO(1), elevate the building one foot above the highest adjacent grade.
49. Place note of flood hazard on the final map and dedicate right to restrict buildings or structures in flood hazard area if applicable.
50. Mitigate onsite nuisance water and developmental storm water runoff to the satisfaction of the Director of Public Works.
51. Box culverts or other structures acceptable to the Director of Public Works are required at all intersections with arterial streets to eliminate nuisance water from crossing the street above ground. (No cross gutters allowed.)
52. All drainage facilities are to be constructed and approved prior to occupancy of any dwelling within the project per the Director of Public Works. If the project is phased, all drainage facilities required for each phase will be constructed and approved prior to occupancy of any dwelling within that phase.
53. Prior to recordation of the final map, the property shall be annexed into the Lancaster Drainage Maintenance District.

54. Drainage easements located between residential lots shall be 15 feet in width. The drainage easement shall be designed with a decorative overflow incorporating a cobble rock design as determined by the Director of Community Development and Director of Public Works.

WATER AND SEWER

55. All lots shall be served by adequately sized water system facilities, including fire hydrants, of sufficient size to accommodate the total domestic and fire flows required for the land division. Domestic flows required are to be determined by the Director of Public Works. Fire flows required are to be determined by the Fire Chief.
56. There shall also be filed with this subdivision a statement from the water purveyor indicating the water service shall be provided to each lot and that the proposed water mains and any other required facilities will be operated by the purveyor and that under normal operating conditions the system will meet requirements for the land division.
57. Approval of this land division is contingent upon the installation and dedication of local main line sewers and separate house laterals to serve each dwelling unit and/or lot of the land division.
58. Per the direction of the Director of Public Works, provide a sewer area study prior to submittal of the final map.
59. For all projects located with L.A. County Waterworks District No. 40, the project proponent shall contact the City Building Official regarding the requirements for the purchase of water credits from the City of Lancaster.

LANDSCAPING

60. Prior to occupancy, provide a 10-foot-wide landscape easement and maintenance district along regional, primary and secondary arterials, in accordance with City policy. The irrigation system, landscape plan, and plant materials are subject to approval of the Department of Public Works. The construction materials, color, and design of the decorative (i.e. slump stone, split faced with brick pilasters, and decorative brick cap) masonry wall abutting the landscape maintenance district and entry street is subject to approval of the Director of Community Development. The irrigation and plant materials shall be installed and completed to the satisfaction of the Director of Public Works Department prior to occupancy of any residence within the development. In addition, add a one- to two-course high block wall along the back of the sidewalk to protect the landscaping and irrigation, and to prevent runoff.
61. Street trees are required; however this requirement may be waived where sufficient trees have been placed within an abutting landscaped setback. Contact City of Lancaster

Department of Public Works for street tree location, species and approved method of installation and irrigation.

62. Developer shall install a landscaping and irrigation system in the 6.5-foot right-of-way strip between the front yard and street side yard where alternate street section is used.
63. Annexation into the Landscape Maintenance District is required.
64. Where landscaping is required or is to be installed by the developer within the front and/or street side yard setback areas, a landscape and irrigation plan shall be submitted for review and approval by City staff. Said landscaping and irrigation system shall conform to the requirements of Ordinance No. 629.
65. The project shall abide by Ordinance No. 821, requirements for residential landscape installation and maintenance.
66. Per the direction of the Director of Public Works, the Developer shall install a "purple pipe" irrigation system in all landscape maintenance districts to provide for future connection to a recycled water system.

WALLS AND FENCES

67. Prior to occupancy, construct a masonry wall along the perimeter of the subdivision where a rear, side, or street side yard abuts other property, or is adjacent to a street, in accordance with Section 17.28.030.C. of the Municipal Code; color and design to be specifically approved by the Director of Community Development. If the project is developed in phases, a masonry wall must be provided around the perimeter of each recorded phase in accordance with this condition prior to occupancy of any units in that phase. The requirement for perimeter walls may be waived or modified by the Director of Community Development in order to prevent the creation of double walls where an adequate wall which would meet the intent of this condition is already in existence, or where there will be continuous work in progress on adjacent phases. All walls required by this condition shall meet the structural requirements of the City of Lancaster as specified by the Director of Public Works.

OTHER CONDITIONS

68. Pursuant to Section 21089(b) of the Public Resource Code, approval of this Tentative Tract Map will not be valid, and no development right shall be vested, until such times the required fees, as set forth under Section 711.4 of the Fish and Game Code, have been paid. Said fees, in the form of a check made payable to the County of Los Angeles Clerk's Office shall be submitted to the Community Development Department within three (3) days of the Commission's action.

69. Per the direction of Community Development, a Phase I Cultural Resource Study is required for any off-site area which will be disturbed by the development, such as staging areas and turn-arounds not covered by the Cultural Resource Study, or all work shall be conducted on the site by installation of a fence to determine limits of development.
70. The applicant shall, prior to or concurrent with the approval of a final map, pay a fee to the City of Lancaster in the sum of \$770.00 per gross acre, to be held in the biological mitigation fund as established by the City Council. Additionally, should the applicant be required to pay mitigation fees under the California Department of Fish and Game, these fees can be deducted from the amount collected by the City of Lancaster.

PASSED, APPROVED and ADOPTED this 17th day of January, 2006, by the following vote:

AYES: Commissioners Baldus and MacPherson; Vice Chairman Mann;
Chairman Smith

NOES: None

ABSTAIN: None

ABSENT: None



RONALD D. SMITH, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Director of Community Development
City of Lancaster

MITIGATION MONITORING PLAN TTM 062121 **EXHIBIT "A"**

Pg. No.	Mit. Cond. No.	Mitigation Measures/Conditions of Approval	Monitoring Milestone (Frequency)	Responsible Party	Method of Verification
---------	----------------	--------------------------------------------	----------------------------------	-------------------	------------------------

BIOLOGICAL RESOURCES

- | | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------------------------------|
| 1. | Within one week of the start of grading and/or construction activities, a survey for the California horned lizard shall be conducted. If this species is identified on the project site, the applicant shall contact the California Department of Fish and Game to determine appropriate mitigation requirements. | As noted on grading plan and prior to issuance of a grading permit. | Planning Department, Department of Public Works and CDFG | Letter of clearance from a qualified Biologist that a contract has been established. |
| 2. | Per the direction of the Planning Director, a burrowing owl survey consisting of four site visits in accordance with CDFG requirements shall be conducted within 30 days of the commencement of site disturbance activities. If any active burrows are found on the project site, a temporary 300 to 500-foot setback buffer shall be established around the nest sites until the young have fledged and are no longer dependent on the burrow. Once the young have fledged, the burrows can be demolished by a qualified biologist and in coordination with the CDFG. | As noted on grading plan and prior to issuance of a grading permit. | Planning Department, Department of Public Works and CDFG. | Letter of clearance from a qualified Biologist in accordance with the CDFG. |
| 3. | Per the direction of the Planning Director and CDFG, the applicant shall acquire and preserve 30 acres of similar habitat offsite in order to mitigate the loss of owl habitat. The offsite habitat must contain suitable burrowing owl breeding and foraging habitat and must occur in the greater Lancaster/Palmdale region. Selection of the site shall be approved by the City of Lancaster and CDFG prior to the issuance of any site disturbance activities. The 30-acre mitigation property shall be transferred to a local conservancy for future preservation. | As noted on grading plan and prior to issuance of a grading permit. | Planning Department, Department of Public Works and CDFG. | Letter of clearance from a qualified Biologist in accordance with the CDFG. |

CITY OF LANCASTER
INITIAL STUDY

1. Project title and File Number: Tentative Tract Map No. 062121
2. Lead agency name and address: City of Lancaster
Department of Community Development
44933 Fern Avenue
Lancaster, California 93534
3. Contact person and phone number: Dan Miller
(661) 723-6100
4. Applicants name and address: Royal Investors Group LLC
10100 Santa Monica Boulevard, Suite 800
Los Angeles, California 90067
5. Location: 30.3± gross acres located on the northwest corner of 40th Street West and Avenue K
6. General Plan designation: UR (Urban Residential, 2.1 – 6.5 dwelling units per acre)
7. Zoning: R-7,000 (one single family dwelling unit per 7,000 square foot lot).
8. Description of project: A subdivision for 116 single family lots in the R-7,000 Zone.
9. Setting and surrounding land uses: The subject property is vacant and highly disturbed due to past agricultural development. The General Plan designation, zoning, and land use of the surrounding properties are as follows: the property to the north and east is designated UR; the property to the north is zoned R-7,000 and the property to the east is zoned R-10,000 (one single family dwelling unit per 10,000 square foot lot); the property to the southwest is in Los Angeles County; the property to the southeast is designated NU (Non-urban, 0.4 to 2.0 dwelling units per acre), and is zoned SRR (Semi-Rural Residential, one single family dwelling unit per 20,000 square foot lot); the property to the west is in Los Angeles County. The property to the south and north is vacant; the property to the east and west consists of single family homes.
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement.)
 - Los Angeles County Sanitation District No. 14 (connection to sewer system)
 - Southern California Edison (street lights)
 - Los Angeles County Fire Department (fire access and life safety equipment)
 - L.A. County Water District No. 40 (connection to the water system)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

DETERMINATION - On the basis of this initial evaluation:

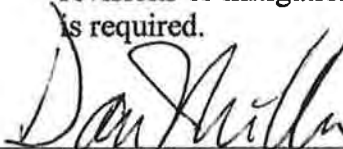
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared:

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in a earlier EIR or NEGATIVE DECLARATION pursuant to applicant standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Dan Miller

August 11, 2006

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation measures. For effects that are “Less than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
I. <u>AESTHETICS</u> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. <u>AGRICULTURE RESOURCES</u> : In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable Air Quality Plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?				X
V. <u>CULTURAL RESOURCES</u> -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for disposal of waste water?				X
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably fore-seeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
VIII. <u>HYDROLOGY AND WATER QUALITY</u> – Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?			X	
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i) Inundation by seiche, tsunami, or mudflow?				X
IX. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
XI. <u>NOISE</u> -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XII. <u>POPULATION AND HOUSING</u> -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIII. <u>PUBLIC SERVICES</u>				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
XV. TRANSPORTATION / TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing resources, or are new or expanded entitlements needed?			X	
e) Have a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVII. <u>MANDATORY FINDINGS OF SIGNIFICANCE</u> -				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DISCUSSION OF ENVIRONMENTAL CHECKLIST

I. a. Views of scenic vistas identified in the City of Lancaster’s General Plan are not available from the roadways and area surrounding the project site. However, views of the mountains surrounding the valley and open desert are available from the roadways and area surrounding the project site. With the implementation of the proposed project, these views would not change. Therefore, impacts to scenic vistas would be less than significant.

b. The project site consists of 30.3± gross acres of vacant land. The proposed project area had no characteristic elements left to suggest its original plant community. It is currently a highly disturbed due to past agricultural development. The project site does not contain any rock outcroppings, trees, or historic buildings and is not located along a State Scenic Highway. Therefore no impacts would occur.

c. Development of the site as proposed would change the visual character of the site in that it would result in the development of vacant open desert land with a single family residential development for 116 homes. However, the proposed development would be similar to the existing development to the east and to the west. Therefore, it has been determined that impacts associated with the proposed project would be less than significant.

d. The light and glare generated from the project in the form of street lights, residential lighting, and motor vehicles would be similar in character and intensity to the recently completed single family subdivision to the east. Therefore, impacts would be less than significant.

II. a-c. The site has not been under agricultural production in the recent past and the site is not identified as Prime or Unique farmland, contains no Williamson Act contract, and is not located in proximity to any existing agricultural operation. Therefore, the project would not have an impact on agricultural resources.

III. a. Development proposed under the City's General Plan would not create air emissions that exceed the Air Quality Management Plan (GPEIR p. 5.6-1 to 2). Therefore, the project itself would not conflict with or obstruct implementation of the Air Quality Management Plan.

b. Construction of the proposed project would generate emissions associated with grading, use of heavy machinery, etc. However, these are not anticipated to exceed the construction emission thresholds established by the local air district due to the small size of the development. Therefore, construction emissions would be less than significant. The project would generate approximately 1,160 additional vehicle trips in the area on a daily basis, which would generate pollutants. However, the amount of traffic generated by the project is not sufficient to create or contribute considerably to violations of air quality standards on either a localized or regional basis (GPEIR p. 5.6-6 to 9); therefore, impacts would be less than significant. The project contains no stationary sources that would contribute to air quality violations. Creation of fugitive dust would be minimized as noted under Item VI.b.

c. The project would, in conjunction with other development as allowed by the General Plan, result in a cumulative net increase of pollutants. However, since emissions associated with the project are less than significant due to its small scale, its contribution would not be cumulatively considerable.

d. The closest sensitive receptors would be the adjacent subdivisions to the east and to the west. Based upon the amount of traffic expected to be generated by the proposed project, no significant pollutant concentrations are anticipated and impacts would be less than significant.

e. Construction and occupancy of the proposed residential development is not anticipated to produce significant objectionable odors. Construction equipment may generate some odors, but these odors would be similar to those produced by the vehicles traveling on area streets such as 40th Street West and Avenue K. Most objectionable odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products and other strong smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. These types of uses are not part of the proposed project. Odors may also be produced by typical residential activities (e.g., cooking). However, these odors are considered to be less than significant.

IV. a. The original biological report for Tentative Tract Map 062121 was prepared by Mark Hagan on December 21, 2004 and entitled "Biological Resource Assessment of APN 3153-025-018 and APN 3153-025-019, Lancaster, California". As a result of this biological report, the Initial Study prepared for the proposed project on October 17, 2005 concluded the following:

...the proposed project is not located within the geographic range of the Mohave ground squirrel; no burrowing owls (*Athene cunicularia*) or sign were observed during the field survey, and no desert tortoises (*Gopherus agassizii*) or their sign were observed during the field survey. Although no burrowing owls were observed during the field survey, the concrete stand pipes in the eastern portion of the study area may provide potential cover sites for this species. Therefore, within 30 days prior to ground disturbing activity, a survey of the concrete stand pipes for burrowing owls shall be conducted.

A comment letter from the California Department of Fish and Game (CDFG) was received on October 17, 2005, concerning the proposed project. This letter concurred with the findings of the biological report requiring a 30-day burrowing owl survey and listed specific mitigation measures that should be required in the event that burrowing owls were identified. The proposed project was approved on October 17, 2005, at the Planning Commission with an added conditioning requiring the presence of a CDFG representative during the preconstruction survey.

On October 31, 2005, an appeal of the Planning Commission decision was filed at the City Clerk's office. The appeal hearing was scheduled for the City Council meeting on February 14, 2006. Prior to the appeal hearing, sometime between January 16 and January 22, 2006, the on-site concrete standpipes were destroyed and additional ground disturbance occurred. This destruction was brought to the attention of the Planning Department on January 23, 2006, (Brian Ludicke, Planning Director) in an email from Scott Harris of the California Department of Fish and Game. At the City Council meeting on February 14, the appeal of this project was heard. It was recommended to the City Council by staff that the applicant for the project have a new biological resources report prepared and the Initial Study for the proposed tract circulated through the State Clearinghouse for a 30 day public review. The City Council agreed with the staff recommendation.

A new biological report was prepared for the project site by Impact Sciences, Inc. and the results were documented in a report entitled "Biological Resources Assessment, Royal Investors Group Project Site, City of Lancaster, California" and dated June 2006. The primary purpose of the assessment was to characterize onsite biological resources with particular focus on those resources that may pose a constraint to future development of the site. Surveys were conducted on January 18, April 7, and June 29, 2006. The focus of the January site visit was to determine the potential of the site to support burrowing owls. The focus of the April 7th visit was to search for special status plant species and burrowing owl, while the focus of the June 29th site visit was to search for the California horned lizard.

The project site is severely disturbed, as indicated by the predominance of weedy vegetation, the presence of debris piles, an east-west trending man-made berm in the middle of the site, and other evidences of past and present human activities. Dominant plants observed on the site include Russian thistle, downy brome, and African mustard. Other plant species observed in the southern portion of the site included horseweed, red-stemmed filaree, and several annual grasses. Several small black locust trees are present in the southeastern corner of the site. No special status plant species were observed during the site visits. No California horned lizards were observed on the project site during surveys

although the site provides suitable habitat. Mitigation is listed below to reduce potential impacts to this species.

A burrowing owl burrow survey was conducted on the project site on January 18, 2006, to determine if burrowing owls could potentially use the site for shelter and/or breeding. The survey was conducted pursuant to the Burrowing Owl Survey Protocol and Mitigation Guidelines prepared by the California Burrowing Owl Consortium and endorsed by CDFG. The project site had been previously determined to contain suitable burrowing owl habitat. The survey conducted in January constituted the Phase II burrow survey.

Burrowing owls typically use burrows made by fossorial mammals or man-made structures such as cement culverts, debris piles, etc. Numerous rodent burrows were observed throughout the site, with most of the openings ranging in size from 1 to 3 inches. Several appeared to be a bit larger, but all were considered too small for use by burrowing owls. It was concluded that no natural burrows occurred on the project site at the time of the January survey that could support wintering or breeding burrowing owls. One above ground plastic pipe that appeared to be about 20 feet in length with a diameter of approximately 8 inches was observed near the eastern boundary of the site. Such structures may provide burrow and/or perching habitat for the owls. However, no sign of burrowing owls were observed near or on the pipe during the January survey. In addition, no evidence of owls were observed during the April or June field surveys. However, the site is generally suitable for burrowing owls. In addition, owls have been known to historically occur on the project site. Therefore, impacts to burrowing owls could occur as a result of development of the project site and the following mitigation measures are required to reduce impacts to less than significant levels.

1. Within one week of the start of grading and/or construction activities, a survey for the California horned lizard shall be conducted. If this species is identified on the project site, the applicant shall contact the California Department of Fish and Game to determine appropriate mitigation requirements.
2. A burrowing owl survey shall be conducted within 30 days of the start of grading/construction activities. If any active burrows are found on the project site, a temporary 300 to 500 foot setback buffer shall be established around the nest sites until the young have fledged and are no longer dependent on the burrow. Once the young have fledged, the burrows can be demolished by a qualified biologist and in coordination with the CDFG.
3. The applicant shall acquire and preserve 10 acres of similar habitat offsite in order to mitigate the loss of owl habitat. The offsite habitat must contain suitable burrowing owl breeding and foraging habitat and must occur in the greater Lancaster/Palmdale region. Selection of the site shall be approved by the City of Lancaster and CDFG prior to the issuance of grading permits.
 - b. The site contains no identified watercourse riparian (BRA).
 - c. There are no federally protected wetlands as defined by Section 404 of the Clean Water Act located on the project site. Therefore, no impacts would occur.
 - d. The site is not identified as a migratory wildlife corridor or nursery area. Therefore no impacts would occur.

e-f. There are no local policies or ordinances for the protection of biological resources which are applicable to the project site. The project site is not located within an area designated under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impacts would occur.

V. A Phase I Cultural Resource Investigation was conducted for the proposed project site by W & S during August 2004. As a result of the investigation no evidence of prehistoric cultural remains were discovered. It was determined that there were no known burials on the site, and no evidence of historical resources was discovered. Paleontological resources are not likely to be identified within the project area unless the excavations for development exceed the depths of recent alluvium and impact fossil bearing deposits. Based on these assessments, no further work is recommended. In the event that additional and new artifacts or sites are discovered during the development of the property, work must stop at the discovery site until a qualified cultural resource consultant determines the proper disposition of the new find. This would insure any impacts to cultural resources remain less than significant

VI. a. The site is not identified as being in or in proximity to a fault rupture zone (LMEA Figure 2.0-7) and is not subject to liquefaction (SSHZ Maps). The site is within Seismic Zone 1 and is, therefore, subject to severe seismic shaking; however, the project would be constructed in accordance with the seismic requirements of the Uniform Building Code (UBC) as adopted by the City, which would render any potential impacts to a less than significant level. The site is generally level and is not subject to ground failure, liquefaction, or landslides (SSHZ maps).

b. The site is rated as having a moderate risk for soil erosion (USDA SCS maps) when cultivated or cleared of vegetation. However, there is the potential for water and wind erosion during construction. The project would be required, under the provisions of Lancaster Municipal Code (LMC) Chapter 8.16, to adequately wet or seal the soil to prevent wind erosion. Water erosion controls shall be provided as part of the project grading plan to be reviewed and approved by the City's Engineering Division. These provisions, which are a part of the project, would reduce any impacts to less than significant levels.

c. The site is not known to be within an area subject to fissuring, sinkholes (LMEA Section 2.0), or liquefaction (SSHZ maps). No impacts would occur.

d. The soil on the site is characterized by a low shrink-swell potential (LMEA p. 2.0-13 and Figure 2.0-5). A soils report on the properties of soils within the subdivision shall be submitted to the City by the project developer prior to grading of the property and recommendations of the report shall be incorporated into development of the property. Therefore, any impact would be less than significant.

e. Sewer is available within the area and can be extended to serve the site. The services of the L.A. County Sanitation District 14 (LACSD) would be utilized by the project once annexation into the district takes place (ref. Item XVI.b and see letter in file). The use of septic tanks or other alternative waste water disposal systems will not be incorporated into the development.

VII. a-f. According to the Preliminary Environmental Site Assessment (ESA) prepared by California Environmental in November 2004, there are no underground storage tank records or industrial waste files maintained at the County of Los Angeles, Public Works, Environmental Health Department for the subject site. In addition, there are no listed environmental risk and/or contaminated site within a one-quarter mile radius of the subject property (ESA). However, the ESA recommended implementation of

subsurface testing of the soil to evaluate for residual pesticides in the area of historic onsite structures and geophysical testing for screening the former developed area for underground tanks since there is evidence the site was once used for farming. A Phase II ESA for subsurface assessment, field geophysics, and soil sampling was completed in July 2005. The subsurface assessment found no underground tanks and the soil studies looking for concentrations of chlordane, DDT, and DDE exceeding current cleanup standards were not found, and additional soil sampling is not recommended. The development would consist of 116 single family residences and does not include commercial or industrial operations. Typical on-site project use would consist of typical household cleaners, fertilizers, and possibly small amounts of pesticides within the landscape areas or around buildings. These materials and their use would be similar to that of the residential area immediately to the east and west, and therefore is less than significant. The site is not in proximity to major users of hazardous materials or main transportation routes (LMEA p. 9.1-17 to 29). The site is more than four miles from the nearest airport, which is Air Force Plant 42 (Figure 6.0-8).

g. The project would not impair or physically block any identified evacuation routes (LMEA Figure 9.1-3). No impacts would occur.

h. The site could be subject to localized brush fires because adjacent land to the north, west, and south is currently undeveloped. However, the site is approximately 2.5 miles east of Los Angeles County Fire Station Nos. 130 & 134 which would be able to respond in the event of a fire. Impacts are, therefore, less than significant.

VIII. a. The site is not in proximity to an open body of water and is not in an aquifer recharge area (LMEA p. 10.1-5 to 7); therefore, there would be no discharge into a water body or the aquifer as a result of surface runoff from the project. The project would be connected to the public sewer system; therefore, no impacts would occur

b. The Los Angeles County Water District No. has not indicated any problems in providing water service to the project (see letter in the case file). The project is not of a size or scale that would result in a significant increase in the use of groundwater supplies, therefore, impacts to groundwater resources would be less than significant.

c&d. Development of the site would increase the amount of surface runoff as a result of impervious surfaces (building and pavement) being constructed. The project would be designed, on the basis of a hydrology study, to accept current flows entering the property, handle the additional incremental runoff from the developed site. Therefore, impacts from drainage and runoff would be less than significant.

e. The development of the site would result in an incremental increase in storm water runoff. The City Engineer has indicated that the design of the project would utilize the proposed public streets as the primary means of transporting runoff, and this infrastructure would be designed through a hydrology study to accommodate the expected flows, therefore, impacts from runoff would be less than significant.

f.&g. The site is not within a 100-year flood zone as identified by FIRM. No impacts would occur.

h. The project does not contain and is not downstream from a dam or levee; therefore, no impacts would occur.

i. The site is not located in an area subject to inundation by seiche, tsunami or mudflows; therefore, no impacts would occur.

IX. a. The project would not block a public street, trail, or other access or result in a physical barrier that would divide the community; therefore, no impacts would occur.

b. The project would not conflict with the City's General Plan and must be in conformance with the Lancaster Municipal Code. As noted previously, the project would be in compliance with the City-adopted UBC (Item VI.a.) and erosion-control requirements (Item VI.b.); therefore, no impacts would occur.

c. As noted under item IV.e-f the site is not subject to a Federal, State or Local conservation plan.); therefore, no impacts would occur.

X. a&b. The site does not contain any current mining or recovery operations for mineral resources and is considered unlikely to contain commercially significant amounts of such resources (LMEA p. 2.0-39); therefore, no impacts would occur.

XI. a. The City's General Plan (Table III-1) establishes an outdoor maximum CNEL of 65 dBA for residential areas. The noise level readings for 40th Street West between Avenue J and Avenue K is 61.5 dBA which is consistent with the standards of the General Plan and potential impacts from additional traffic from project development would be similar to surrounding residential uses and considered less than significant.

b. The project does not contain ground-mounted industrial-type machinery or uses capable of generating groundborne vibrations or noise; therefore, no impacts would occur.

c. Permanent increases in area noise levels would occur once the proposed project is developed and occupied. These noise levels would be generated by normal activities that occur in a residential setting (yard work, radio, television sets, etc.) and from motor vehicles (see discussion under XI.a.). Although the traffic generated by the project would contribute to an increase in noise levels in the area the project's contribution is considered to be less than significant because the current and future projected noise levels would remain essentially unchanged with or without the project.

d. There would be a temporary increase in noise levels in the area during construction of the project. This noise would be generated by construction vehicles and equipment. Construction activities of the project are regulated by Section 8.24.040 of the Lancaster Municipal Code, which limits the hours of construction work to between sunrise and 8:00 p.m. Monday through Saturday. Effects are considered less than significant because they are temporary and construction times limited to daylight hours.

e.&f. The site is not in proximity to an airport or a frequent overflight area and would not experience noise from these sources (also see Item VII a.-f.); therefore, no impacts would occur.

XII. a. The project would generate additional population growth in the immediate area because 116 new dwelling units would be constructed. This additional increase would contribute, on an incremental basis, to a cumulative increase in the population of the City. The project site is within the urban core of the City and within the service area of both the Los Angeles County Sheriff's Department and Station Nos. 130 & 134 of the Los Angeles County Fire Department. Therefore, the project would not result in a need for additional facilities to provide these services and impacts from increased population growth would be less than significant.

b & c. Development of the project would not displace existing housing or people because the site is currently vacant. No impacts would occur.

XIII. The project would incrementally increase the need for fire and police services; however, the site is within the current service area of both these agencies and the additional time and cost to service the site is minimal. The project would not induce substantial population growth (see Item XII) and, therefore, would not substantially increase demand on parks or other public facilities, such as libraries.

Development of the residential portion of the project would result in an incremental increase in population (see item XII), which would result in an increase in the number of students in both the Antelope Valley Union High School District and the Westside Union School District. Proposition 1A, which governs the way in which school funding is carried out, predetermines by statute that payment of developer fees are adequate mitigation for school impacts (see Section 65996 of the State Government Code). Therefore, the Initial Study determines by statute that the fees required of the developer are adequate to reduce any identified impacts to a less than significant level.

XIV. a.&b. The project would generate additional population growth and would contribute on an incremental basis to the use of the existing park and recreational facilities. However, the applicant would be required to pay park fees which would reduce potential impacts on park and recreational facilities to a level of insignificance.

XV. a. The proposed single family project would generate 1,160 daily vehicle trips when developed, based on the ITE Trip Generation Manual. The City Traffic Engineering Manager has indicated that the project traffic would not adversely affect traffic flow on any of the adjoining public streets, and the improvements to be provided as part of the project would ensure necessary, adequate circulation and safety levels for both project-related traffic and long-term cumulative increases. Therefore, impacts are less than significant.

b. There are no such designated roads in the vicinity of the project. No impacts would occur.

c. The project site does not contain any aviation uses and the proposed project would not include the development of any aviation related uses. Thus, the proposed project would not have an impact on our air traffic patterns.

d. The proposed interior streets for the single family project would be improved to City standards and no sharp curves or dangerous intersections would be created by these improvements nor would there be any incompatible uses. No impacts would occur.

e. The project would have adequate emergency access to the project from two access points; one from 42nd Street West via Avenue K and the second from the northeast by a 30-foot wide paved secondary access from 40th Street West via future Avenue J-12 and "G" Street. Interior circulation would be provided in accordance with the requirements of the Los Angeles County Fire Department. No impacts would occur.

f. The project would be required to provide for adequate off-street parking for each dwelling unit in the subdivision per the provisions of the Municipal Code. No impacts would occur.

g. The project would require full street improvements to Avenue K and 40th Street West which will include right-turn lanes and therefore not conflict with alternative transportation such as buses. The project does not conflict with or impede any of the General Plan policies or specific actions related to alternative modes of transportation (LGP p. V-20 to 25). No impacts would occur.

XVI. a. The project would connect to the local sewer system, and the project sewage would be treated by the Los Angeles County Sanitation District's treatment facilities, which has indicated no problem in serving the project (see LACSD response letter in case file). Therefore, no significant impacts are anticipated.

b. Sewer exists in the vicinity of the site capable of serving the project, and no expansion of the treatment facility is needed to accommodate this project (LACSD letter). Upon annexation, the Los Angeles County Waterworks District No. 40 has not indicated any problems in supplying water to the project from existing facilities. Therefore, no significant impacts are anticipated.

c. Ref. Item VIII.c. & d.

d.& e. Ref. Item XVI.b.

f. The project would generate additional solid waste, which would contribute to an overall cumulative impact on the landfill serving the site (GPEIR P; 5.9.4-3 to 9), although this project's individual contribution would be less than significant. Individual residential units within the project would be required to have trash collection services in accordance with City contracts with waste haulers over the life of the project. These haulers are required to be in compliance with applicable regulations on solid waste transport and disposal, including waste stream reduction mandated under AB939.

g. Ref XV (f).

XVII.a. Ref. Items I, III, IV, V, VII, XI, XVI.

b. The proposed project does not have any impacts that are individually limited, but cumulatively considerable. Ref. Items III, XI, XV.

c. Ref. Items III, VI, VII, VIII, XI, XII, XIII, XIV, XV, XVI.

List of Referenced Documents and Available Locations*:

AS: Phase I Archaeological Survey, W & S Consultants,

	dated, August 2004	CD
BRA:	Biological Resource Assessment, Mark Hagan dated December 2004	CD
XXXXXXXXXXXXXXXXXXXX		
ESA	Environmental Site Assessment, by California Environmental, Phase I dated November 2004, Phase II dated July 2005	CD
LMEA:	Lancaster Master Environmental Assessment	CD
GPEIR:	Lancaster General Plan Environmental Impact Report	CD
FIRM:	Flood Insurance Rate Map	PW
LGP:	Lancaster General Plan	CD
LACSD:	Los Angeles County Sanitation District Letter	CD
USCS:	United States Geological Survey Maps	CD
USDA SCS:	United States Department of Agriculture Soil Conservation Service Maps	CD
LMC:	Lancaster Municipal Code	CD
LACWD	L.A. County Water District No. 40	CD
SSHZ	State Seismic Hazard Zone Maps	CD

- * CD: Department of Community Development
- PW: Department of Public Works
 Lancaster City Hall
 44933 Fern Avenue
 Lancaster, California 93534

44933 Fern Avenue
Lancaster, CA 93534



APPEAL FORM

APPLICANT INFORMATION

PLEASE PRINT OR TYPE:

INFINITY 26, LLC, as represented by
ROYAL INVESTORS GROUP, LLC

Name of Appellant

818-981-3000

Home Telephone Number

15821 Ventura Boulevard, Suite 460, Encino, CA 91436

Home Address of Appellant

City & State

Zip Code

Business Telephone Number

Send Correspondence and Notices to the following party: JIM GOLTSCHE, Managing Member

"same"

Name and Address

Address and Description of Real Property Involved


LANCASTER PLANNING COMMISSION

Commission, Board, Official or Department whose action is being appealed

Date of action/decision from which appeal is taken: 10-19-15 Case Number: TTM 62121

Specific Action or Decision being appealed: Denial of one-year extension for TTM
62121.

Grounds for Appeal: See attached.


ROYAL INVESTORS GROUP, LLC

Appellant Signature

Jim Goltche, Managing Member

11-2-15

Date

If applicable, a duplicate set of mailing labels submitted for the original Planning Commission consideration shall be provided by the appellant at the time of the appeal filing.

Dear Honorable Council Members:

Infinity 26, LLC, (hereinafter referred to as "Infinity") as represented by Royal Investors Group, LLC, hereby state that the City of Lancaster Planning Staff's recommendation for denial of Infinity's Application for extension of Tentative Tract Map 52121 and the Planning Commissioners approval of this recommendation is unwarranted and the actions taken by the City may be in contradiction to its own requirements. In addition, Infinity's reasonable request for a 60-day continuance to work with Planning Staff to update the Map to reflect the City's more recent standards and regulations to improve the quality of development in the City, as reflected in the City's updated General Plan, Design Guidelines and Master Plan of Trails and Bikeways, etc. was ignored and was disregarded without any comment from Planning Commissioners. This is both frustrating and contrary to the City's expressed desire to work with the development community.

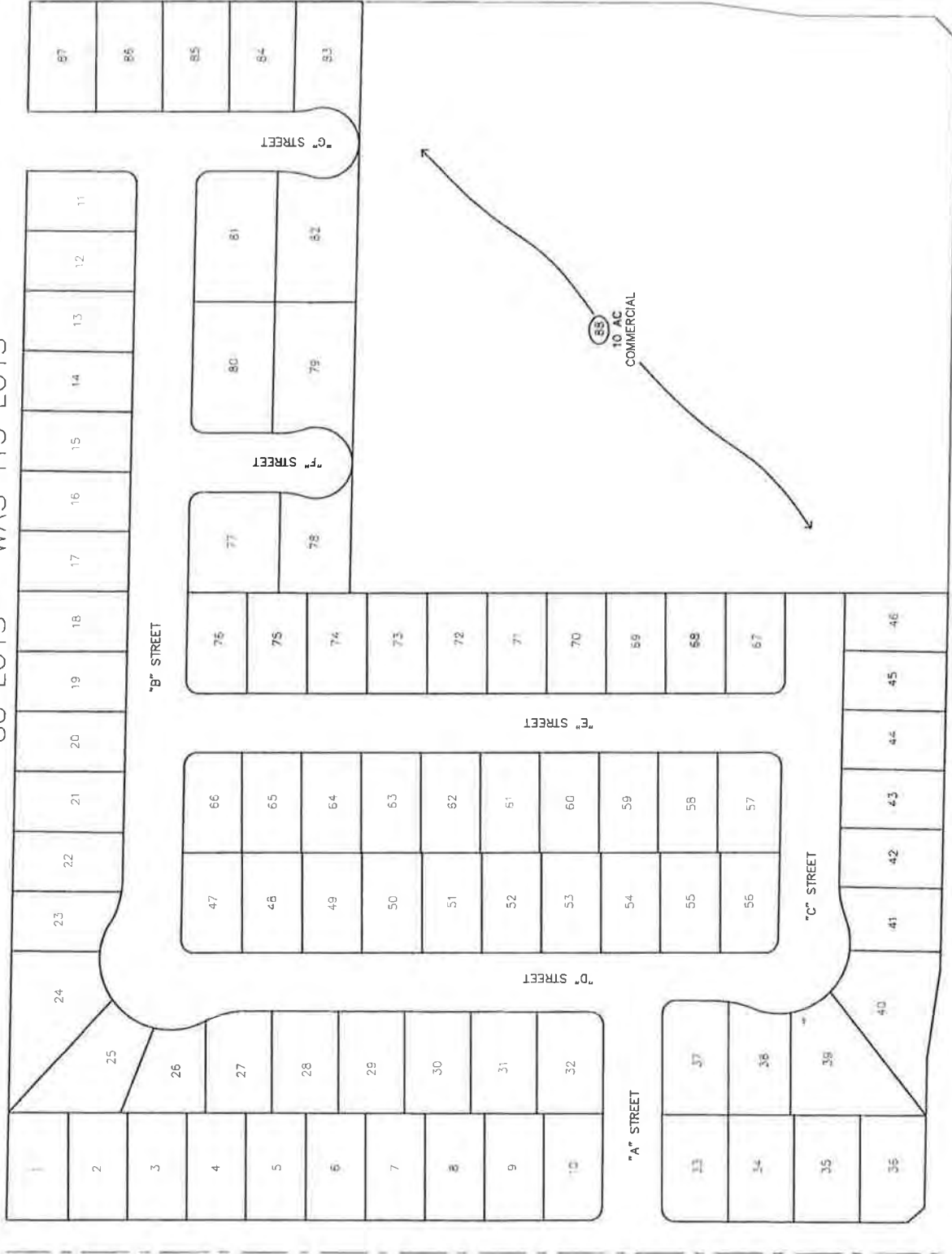
Under the Subdivision Map Act and specific to Tentative Tract Map extensions, there are no explicit details as to extensions or what constitutes minor changes to a Map which can be made under the direction of Planning Staff.

As you know, the City Council amended the City's General Plan in 2009. This General Plan Amendment changed the land use on our property from residential only, to a combination of residential with a commercial component located at the corner of 40th Street West and Avenue K. The change in zoning was led by the City's desire to have commercial in this area of the City, despite having already made findings of consistency that the Tentative Tract Map that was approved on the site did not have a commercial use. This land use change was applied over a property that had a valid, active and approved Tentative Tract Map. It can only be assumed that by amending the General Plan with a land use inconsistent with the approved Tentative Tract Map that the City was already acting to subvert the approved Tentative Tract Map.

Infinity is trying to work with the City, but its efforts are being thwarted. As such, Infinity hereby requests: 1) Infinity be allowed to revise/modify Tentative Tract Map 52121 through a staff level minor modification process to show: the 10 acre commercial site, revised roadways to reflect the City's current Roadway Standards and Regulations, reduce the number of R-7000 lots to show the loss of the ten acre parcel and any other reasonable revised standards as directed and informed by the recently amended land use (see attached revised plan for site prepared by Kimley-Horn); and 2) The City of Lancaster City Council Members grant a one-year extension of Tentative Tract Map 52121 to allow the modifications to be reviewed, discussed and engineered.

Allowing the Tentative Tract Map to expire will cause significant harm and financial burden to Infinity. In the process described above, the changes to the Tentative Tract Map would still be made prior to recordation of the Final Map, but the whole process does not have to start over causing unreasonable additional costs and unnecessary risk to be incurred by the owners of the property. Infinity questions the City's intent in the inconsistent land use change adopted for the property and protests the City's action to expire the Tentative Tract Map. From a reasonable perspective, Infinity simply desires to work with the City. The proposed extension still allows the property to be developed per the City's approved guidelines, but without unreasonably burdening the property owners by having to start the entitlement process over. Thank you for your consideration and we look forward to working with City Council Members and Planning Staff to obtain this Map extension.

TENTATIVE TRACK 62121 EXHIBIT 88 LOTS - WAS 115 LOTS



42ND STREET WEST

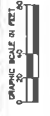
40TH STREET WEST

AVENUE K



Kimley»Horn

2725 BAYVIEW BLVD., SUITE 200
MIAMI, FL 33133
PH: 305-593-8800 WWW.KIMLEY-HORN.COM





R. Rex Parris	Mayor
Marvin E. Crist	Vice Mayor
Ken Mann	Council Member
Angela E. Underwood-Jacobs	Council Member
Raj Malhi	Council Member
Mark V. Bozigian	City Manager

October 22, 2015

Royal Investors Group, LLC
15821 Ventura Blvd #460
Encino, CA 91436

RE: TENTATIVE TRACT MAP NO. 62121 EXTENSION

This is to notify you that during its regular meeting of October 19, 2015, the City of Lancaster Planning Commission denied (by a 5-0-0-1-0 vote) to grant a one-year extension for Tentative Tract Map No. 62121.

Also, please be advised that within 10 working days following Commission action, the decision may be appealed to the City Council, through the office of City Clerk, pursuant to City of Lancaster Uniform Appeal Procedures, including submittal of a \$1,111.00 filing fee.

Should you have any questions, you may contact this office at (661) 723-6100.

Sincerely,

A handwritten signature in black ink that reads "Brian S. Ludicke".

Brian S. Ludicke
Planning Director

BSL/mc

cc: City Engineering Section

GENERAL NOTES

1. GENERAL NOTES: SEE GENERAL NOTES TO RECORDING TRACT 043548.
2. PROVISIONS: PROVISIONS ARE AS SHOWN ON THE PLAN. PROVISIONS FOR PUBLIC UTILITIES ARE AS SHOWN ON THE PLAN. PROVISIONS FOR PUBLIC UTILITIES ARE AS SHOWN ON THE PLAN.
3. AREA INFORMATION: THE TOTAL AREA OF THE TRACT IS 1.10 ACRES. THE TOTAL AREA OF THE TRACT IS 1.10 ACRES.

4. LEGEND: SEE LEGEND TO RECORDING TRACT 043548.
5. SUBMITTER'S NOTES: SEE SUBMITTER'S NOTES TO RECORDING TRACT 043548.
6. EASEMENT NOTES: SEE EASEMENT NOTES TO RECORDING TRACT 043548.

LEGEND

Symbol	Description
(Symbol)	Proposed Lot
(Symbol)	Proposed Street
(Symbol)	Proposed Easement
(Symbol)	Proposed Utility
(Symbol)	Proposed Right-of-Way
(Symbol)	Proposed Other

SUBMITTER'S NOTES

1. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.

2. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.

3. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.

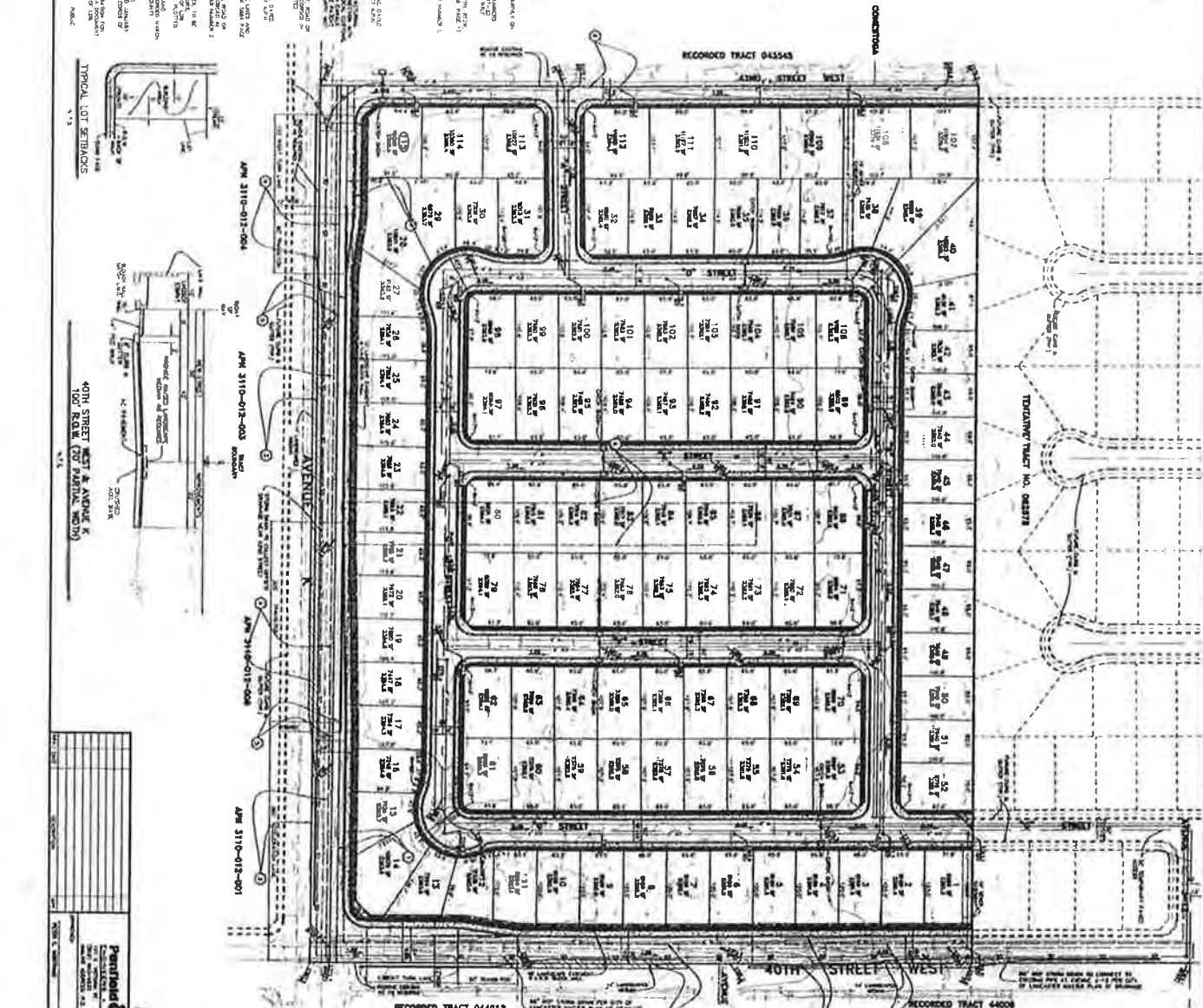
EASEMENT NOTES

1. THE EASEMENT NOTES ARE AS SHOWN ON THE PLAN.

2. THE EASEMENT NOTES ARE AS SHOWN ON THE PLAN.

3. THE EASEMENT NOTES ARE AS SHOWN ON THE PLAN.

1. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.
2. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.
3. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.
4. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.
5. THE SUBMITTER HAS REVIEWED THE PLAN AND HAS APPROVED THE PLAN FOR RECORDING.



Penelope Smith
 CONSULTING ENGINEER
 1000 17th Street, Suite 100
 Oakland, CA 94612
 (415) 778-1234

TENTATIVE TRACT MAP
 NO. 062121
 LANCASTER, CA

LOCAL STREET SECTION - "A,B,C,D" (SOUTH OF "X" STREET) & "E" & "F" STREETS

LOCAL STREET SECTION - "A,B,C,D" (SOUTH OF "X" STREET) & "E" & "F" STREETS

LOCAL STREET SECTION - "A,B,C,D" (SOUTH OF "X" STREET) & "E" & "F" STREETS