

AGENDA ITEM: 6.

DATE: 08-20-07

**STAFF REPORT**

**TENTATIVE TRACT MAP NO. 66396**

DATE: August 20, 2007  
TO: Lancaster Planning Commission  
FROM: Planning Department  
APPLICANT: Kenneth Berglund  
LOCATION: 5± gross acres located at the northwest corner of Avenue N and 42<sup>nd</sup> Street West  
REQUEST: A subdivision for 7 single family lots in the SRR Zone

RECOMMENDATION: Adopt Resolution No. 07-37 approving Tentative Tract Map No. 66396.

BACKGROUND: There have been no previous cases heard before the Planning Commission or City Council concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject property is designated NU (Non-Urban Residential; 0.4 to 2.0 dwelling units per acre) by the General Plan, is zoned SRR (Semi-Rural Residential, minimum lot size of 20,000 square feet), and is currently vacant. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	NU	SRR	Single-family residence
SOUTH	L.A. County	A-2-2	Single-family residences
WEST	NU	SRR	Vacant (TTM 63247 approved January 17, 2006 for 11 single-family residences)
EAST	NU	SRR	Single-family residences

PUBLIC IMPROVEMENTS: The site is bounded to the north by a single family residence, to the south by Avenue N, and bounded to the east by 42<sup>nd</sup> Street West. All utilities are available or can be extended to serve the site.

ENVIRONMENTAL REVIEW: Review of pertinent environmental documents has disclosed no significant adverse impacts resulting from the proposed subdivision after mitigation measures have been applied. Potential effects are discussed more fully in the attached Initial Study. The Initial Study prepared for the proposed project was sent to the State Clearinghouse SCH # 200707107 for public review. This 30-day public review period ended on August 6, 2007. Based on this information, staff has determined that a mitigated Negative Declaration is warranted. Notice of intent to prepare a mitigated Negative Declaration has been legally advertised.

Effective January 1, 1991, applicants whose projects have the potential to result in the loss of fish, wildlife, or habitat through urbanization and/or land use conversion are required to pay filing fees as set forth under Section 711.4 of the Fish and Game Code. Pursuant to Section 21089(b) of the Public Resources Code, the approval of a project is not valid, and no development right is vested, until such fees are paid.

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

ANALYSIS: The proposed subdivision consists of 7 single family lots in the SRR Zone. The lots would range in size from approximately 25,871 to 31,377 square feet. The project is consistent with the General Plan land use designation of Non-Urban Residential (0.4 to 2.0 dwelling units per acre), and SRR zoning of the property (minimum lot size of 20,000 square feet). Division of the property would allow for the construction of a single family residence on each lot.

Access to the subdivision would be obtained from 42<sup>nd</sup> Street West via Avenue N. The proposed subdivision has the potential to generate 70 vehicular trips per day, with 7 trips occurring during peak hours. The project has been conditioned to improve westbound Avenue N and southbound 42<sup>nd</sup> Street West and to provide rural perimeter treatment along Avenue N in accordance with City policy. A 6-foot high perimeter wall would be constructed along the perimeter of the subdivision. A concrete split rail fence would be placed within the 18-foot-wide pathway and landscape maintenance district. The split rail fence would be placed between the 6-foot-wide sidewalk and the decomposed granite pathway. Decorative, low-level ambient lighting fixtures would be provided along the pathway. Adequate drainage facilities and improvements would be provided for the subdivision.

A Phase I Cultural Resource Study was conducted for the proposed project site by Hudlow Cultural Resource Associates during May 2006. No cultural resources were identified. There are no known burials on the project site. Additional archaeological investigations are not recommended. However, should previously unidentified resources be uncovered as a result of the proposed project, all work shall cease until the proper disposition of the cultural resource is determined by a qualified archaeologist.

Mark Hagan conducted a biological survey on the property during June 2006. The dominant annual plant species were tumble mustard (*Sisymbrium altissimum*), and cheat grass (*Bromus tectorum*). The results of the survey indicate that desert tortoise, Mohave ground squirrel, and burrowing owl are absent from the subject property and adjacent survey areas. Suitable habitat exists to support nesting birds. A nesting bird survey shall be made by a qualified biologist (30) days prior to construction/ground disturbing activities. If nesting birds are encountered, all work in the area shall cease until either the young birds have fledged or the appropriate permits are obtained from the California Department of Fish and Game.

In addition, two drainage channels were observed within the southern portion of the study site oriented west-east. This drainage may be a CDFG jurisdictional water. Additionally, the Regional Water Quality Control Board – Lahontan Region may choose to exert its jurisdiction over these waters pursuant to the Porter-Cologne Act. Development of the proposed project would eliminate the existing drainage ditch. Therefore, the applicant is conditioned to consult with the California Department of Fish and Game to determine whether or not a Section 1602 Streambed Alteration Agreement is required prior to the development of the project site. The applicant is also conditioned to coordinate with the Lahontan Regional Water Quality Control Board to determine whether the applicant is required to obtain a Report of Waste Discharge prior to the development of the project site.

Fran Akhavain prepared a Phase I Environmental Site Assessment Report during May 2006. The findings of this investigation indicate that there are no listed environmental risks and/or contaminated sites located on the property nor adjoining properties were identified in any regulatory database. No hazardous materials were being stored on the project site and no vent pipes, stained soil or odors were observed.

The density of the development is consistent with the General Plan designation of Non-Urban Residential, 0.4-2.0 dwelling units per acre; the proposed subdivision meets the City's zoning requirement, for the SRR 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. 66396.

Respectfully submitted,

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Christopher Aune, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 07-37

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 66396

WHEREAS, a tentative subdivision map has been filed by Kenneth Berglund for the division of 5± gross acres located at northwest corner of Avenue N and future 42<sup>nd</sup> Street West, into 7 single family lots, as shown on the attached site map; and

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

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

WHEREAS, public notice was provided as required by law and a public hearing was held on August 20, 2007; and

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

WHEREAS, this Commission hereby finds that the Initial Study determined that the proposed subdivision would not have a significant effect on the environment; and

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

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

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

1. The proposed design and improvement of the 7-lot subdivision is consistent with the General Plan land use designation of NU (Non-Urban Residential) for the subject property and with the following policy of the General Plan Policy No. 19.1.7 which instructs staff to "Promote appropriate site design that allows for efficient and attractive developments."
2. The site is physically suitable for the type and proposed density of development because adequate roadway capacity and infrastructure exist or can be provided, and the site has no topographical constraints.

3. The design and improvement of the subdivision are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not within a sensitive habitat area and all potential impacts are reduce to a level of insignificance 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 7 dwelling units could be provided, and the City has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
7. The proposed subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision because the size and configuration of the parcels would allow for such systems; and

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

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby approves the Mitigated Negative Declaration prepared for this project with the 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 applied to the project.
2. This Commission hereby adopts the Mitigation Monitoring Program, Exhibit "A".
3. This Commission hereby approves Tentative Tract Map No. 66396, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of August, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KENNETH G. MANN, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 07-37**  
**TENTATIVE TRACT MAP NO. 66396**  
**CONDITIONS LIST**  
**August 20, 2007**

**GENERAL ADVISORY**

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

**STREETS**

2. Per direction of the Public Works Director, improve and offer for dedication:
  - Avenue N at 68 feet of an ultimate 96-foot right-of-way (improved with a 6-foot-wide sidewalk, curb, and gutter.)
  - 42<sup>nd</sup> Street West at 44 feet of an ultimate 54-foot right-of-way (improved with 30 feet of pavement, a 2-foot-wide rolled curb on each side of the street, and a 10-foot-wide parkway.)
3. The project shall meet all the requirements of the rural street standards per Section 16.20.080.
4. Dedicate the right to restrict direct vehicular access to Avenue N and the first 50 feet of the southern portion of Lot No. 1.

**LANDSCAPING**

5. Prior to occupancy, provide an 18-foot-wide multi-use trail and landscape easement and maintenance district along Avenue N, in accordance with City Policy. The landscape maintenance district shall extend 20 feet into the entrance streets. 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 (slump stone, split-face, brick pilasters) masonry wall abutting the landscape maintenance district are subject to approval of the Planning Director. The irrigation and plant materials shall be installed and completed to the satisfaction of the Director of Public Works 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 landscaping, irrigation, and to prevent runoff. Include an 8-foot-wide meandering sidewalk (modified Condition No. 60).
6. The applicant shall install a concrete split rail fence within the 18-foot-wide pathway and landscape maintenance district. The split rail fence shall be placed between the 6-foot-wide sidewalk and the decomposed granite pathway. Decorative, low-level ambient lighting fixtures shall be provided along the pathway (LMC Section 16.20.235).

7. Per the direction of the Planning Director, landscaping and irrigation systems shall be installed on all portions of single family residential lots open to view from a public street not used for building, vehicle access, or parking and to be maintained by the homeowner.
8. Per the direction of the Planning Director, prior to occupancy, the developer will provide a masonry wall or vinyl fencing along the interior section and per the direction of the Planning Director. Masonry walls shall be placed around the perimeter of the site.

#### **ENVIRONMENTAL**

9. A nesting bird survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. If nesting birds are encountered, all work in the area shall cease until either the young birds have fledged or the appropriate permits are obtained from the California Department of Fish and Game.
10. The applicant shall consult with the California Department of Fish and Game to determine whether or not a Section 1602 Streambed Alteration Agreement is required prior to the development of the project site. If a Streambed Alteration Agreement is required, it shall be obtained prior to the issuance of any permits (e.g., grading, etc.).
11. The applicant shall coordinate with the Lahontan Regional Water Quality Control Board to determine whether the applicant is required to obtain a Report of Waste Discharge prior to the development of the project site. If this permit is required, it shall be obtained prior to the issuance of any permits (e.g., grading, etc.).

#### **OTHER CONDITION**

12. Per the direction of the Public Works Director, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer's engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.