

AGENDA ITEM: 6.

DATE: 01-28-08

STAFF REPORT

TENTATIVE TRACT MAP NO. 63288

DATE: January 28, 2008
TO: Lancaster Planning Commission
FROM: Planning Department
APPLICANT: Cal Pac Development, LLC
LOCATION: 14.36± gross acres located on the southwest corner of 20th Street East and future Avenue H-12
REQUEST: A subdivision for 60 single family lots in the R-7,000 Zone

RECOMMENDATION: Adopt Resolution No. 08-02 approving Tentative Tract Map No. 63288.

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 UR (Urban Residential; 2.1 to 6.5 dwelling units per acre) by the General Plan, is zoned R-7,000 (single family residential, minimum lot size of 7,000 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	UR	R-7,000	Vacant, Single Family Residence
SOUTH	UR	R-7,000	Vacant, Single Family Residences
WEST	UR	R-7,000	Single Family Residences
EAST	UR	R-7,000	Vacant

PUBLIC IMPROVEMENTS: The site is bounded to the south by Avenue I, and bounded to the east by 20th Street East, both of which are partially improved with one travel lane in each direction, and to the north by future Avenue H-12, which is unimproved. 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 #2007121051) for public review. This 30-day public review period ended on January 10, 2008. 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 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 60 single family lots in the R-7,000 Zone. The lots would range in size from approximately 7,200 to 9,999 square feet, including alternate street section. The project is consistent with the General Plan land use designation of Urban Residential (2.1 to 6.5 dwelling units per acre), and R-7,000 zoning 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.

Access to the subdivision would be obtained from future Avenue H-12 via 18th Street East and 20th Street East to the north; and from 18th Street East via Avenue I to the south. Access to individual lots would be provided from internal residential streets. The proposed subdivision has the potential to generate 600 vehicular trips per day, with 60 trips occurring during peak hours. The subdivision has incorporated design elements to provide for adequate circulation to reduce the vehicular speeds within the subdivision. The project has been conditioned to install a raised landscaped median in 20th Street East with a left-turn pocket into Avenue H-12. The project has been conditioned to provide a right turn lane on Avenue I at the intersection with 18th Street East. Also, a bus bench shall be installed along the project frontage on the north side of Avenue I west of the intersection with 20th Street East. A 10-foot-wide landscape maintenance district with a decorative 6-foot high wall would be provided along Avenue I and 20th Street East. A 6-foot high perimeter wall would be constructed along the perimeter of the subdivision.

Adequate drainage facilities and improvements would be provided for the subdivision. The applicant is being conditioned to design all utility crossings to accommodate the installation of two future

96-inch reinforced-concrete pipes in 20th Street East from Avenue I to the northerly tract boundary, as in accordance with the Master Plan of Drainage.

A Phase I Cultural Resource Study was conducted for the proposed project site by RTFactfinders during May 2005. As a result of the survey, two finds were identified on the property. These included an isolate prehistoric artifact and one homesite location. The site was determined ineligible as a significant cultural resource, and no further work was recommended. In the event that such artifacts or sites are discovered during the development of the property, work must stop at the discovery site, a qualified archaeologist will need to evaluate the new find, and, if necessary, implement an appropriate mitigation program.

Mark Hagan, a wildlife biologist, conducted biological surveys on the property during May 28, 30 and June 3, 2005. The surveys were conducted to look for signs of desert tortoise, Mohave ground squirrel, burrowing owl, and other sensitive plant and animal species. No desert tortoises or tortoise sign were observed on the property. The proposed project site is located within the geographic range of the Mohave ground squirrel, and contains potentially suitable habitat to support the Mohave ground squirrel. Therefore, prior to construction/ground disturbing activities, focused trapping surveys shall be conducted to determine the presence/absence of this species on the project site in accordance with standard protocol established by the California Department of Fish and Game (CDFG). If Mohave ground squirrels are determined to be present on the project site, consultation with CDFG shall be required in order to obtain an Incidental Take Permit under §2081 of the CDFG Code.

Although no burrowing owls or signs thereof were observed on the proposed project site during the survey, the site provides potential cover habitat. In addition, the project site provides potential nesting habitat for nesting native bird species. Due to the potential for cover habitat, a burrowing owl survey shall be made by a qualified biologist thirty (30) days prior to construction/ground disturbing activities. If burrowing owls or signs thereof are discovered during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management requirements. In addition, due to the project site providing potential nesting areas for nesting native birds, a nesting bird survey shall be made by a qualified biologist thirty (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.

Alkali mariposa lilies were observed throughout the study area which is listed as a sensitive plant species. In order to address the loss of alkali mariposa lilies and their habitat, the City of Lancaster has instituted a mitigation fee to purchase or enable a local conservation agency to purchase suitable habitat at a 1:1 ratio, and to set aside as alkali mariposa lily mitigation lands. Once purchased, these lands would be given to a local conservation agency (e.g., Antelope Valley Conservancy) for management. A total cost per acre was determined based on land values where previous surveys have indicated the presence of alkali mariposa lily, and a 30 percent management fee. Therefore, the total cost per acre would be \$2,405. Tentative Tract Map No. 63288 is approximately 14.36 acres. Therefore, prior to issuance of a grading permit, the applicant for Tentative Tract Map No. 63288

shall be required to pay a total of \$34,535.80 to be held in trust by the City of Lancaster for the purchase of mitigation lands for the alkali mariposa lily.

Small ephemeral washes were observed within the project site. These drainage areas may be considered jurisdictional waters by the California Department of Fish and Game, and the development of the proposed project could eliminate the existing drainages. Additionally, the Regional Water Quality Control Board – Lahontan Region may choose to exert its jurisdiction over these waters. Consultation with the Department of Fish and Game, and Lahontan is required prior to issuance of any permits or ground disturbing activities.

Summit Environmental Systems prepared a Phase I Environmental Site Assessment Report during July 2005. The findings of this investigation indicate that there is no listed environmental risk and/or contaminated sites located within a one mile radius of the subject property. However, floor tiles suspected of containing asbestos or lead based paint were noted on a concrete foundation on the project site in an addendum to the original report dated March 21, 2007. Therefore, sampling of suspect asbestos or lead-based paint containing materials by a licensed California Certified Asbestos and Lead-Based Paint Consultant shall be conducted prior to ground disturbing (grading/vegetation removal) activities to assess whether asbestos or lead-based paint is present. If asbestos or lead based paint is found, an asbestos and lead-based paint abatement contractor shall abate the materials prior to the issuance of a grading permit.

The density of the development is consistent with the General Plan designation of Urban Residential, 2.1-6.5 dwelling units per acre; the proposed subdivision meets the City's zoning requirement 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. 63288.

Respectfully submitted,

Brigitte Ligons, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 08-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 63288

WHEREAS, a tentative subdivision map has been filed by Cal Pac for the division of 14.36± gross acres of land into 60 single family lots located on the southwest corner of 20th Street East and future Avenue H-12, 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 January 28, 2008; and

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

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

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

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

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

1. The proposed design and improvement of the 60-lot subdivision are consistent with the General Plan land use designation of UR (Urban Residential) for the subject property and with the following policy of the General Plan:

“Promote appropriate site design that allows for efficient and attractive developments”.
(Policy 19.1.7)

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 less than significant 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 60 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. 63288, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 28th day of January, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ATTACHMENT TO PC RESOLUTION NO. 08-02
TENTATIVE TRACT MAP NO. 63288
CONDITIONS LIST
January 28, 2008

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Number 06-11 shall apply, except Condition No. 54 (modified below) and Condition No. 59 (deleted).

STREETS

2. Per direction of the Public Works Director, improve and offer for dedication:
 - 20th Street East at 80 feet of an ultimate 120-foot right-of-way
 - Avenue I at 70 feet of an ultimate 100-foot right-of-way
 - Avenue H-12 at 44 feet of an ultimate 64-foot right-of-way
 - 18th Street East at 44 feet of an ultimate 64-foot right-of-way
 - Linn Way (west of “A” Street) at a 60-foot right-of-way
 - “A”, “B”, and “C” Streets at a 60-foot right-of-way
 - Linn Way (east of “A” Street) at a 58-foot right-of-way
3. Dedicate the right to restrict direct vehicular access to 20th Street East, Avenue I, Lot No. 4 (west side), and Lot No. 51 (north side).
4. Per direction of the Public Works Director, install a raised landscaped median on 20th Street East.
5. Per the direction of the Public Works Director, provide a left-turn lane in the raised median in 20th Street East at the intersection with Avenue H-12.
6. Per the direction of the Public Works Director, install a right-turn lane on Avenue I at the intersection with 18th Street East. The lane and dedication shall be 12 feet in width and 150 feet in length, with a 90-foot transition.
7. Per the direction of the Public Works Director, provide a 30-foot-wide paved access on the southerly extension of “B” Street south and west to connect with “C” Street.
8. Per the direction of the Public Works Director, provide additional pavement on southbound Avenue I at the intersection with 20th Street East to provide for a left-turn lane, through lane and a right-turn lane.
9. Per the direction of the Public Works Director, a bus bench shall be installed on the north side of Avenue I (along the project frontage) west of the intersection at 20th Street East.

10. The project proponent will be required to contact the Los Angeles County Waterworks District No. 40 to determine if there are additional off-site improvements or conditions that would be required. The proposed development may also be required to pay all applicable Waterworks District fees.

DRAINAGE

11. Per the direction of the Public Works Director and the Master Plan of Drainage, design all utility crossings to accommodate two future 96-inch reinforced concrete pipes in 20th Street East.
12. Per the direction of the Public Works Director, streets shall be designed to avoid creating sump conditions. If a sump condition is unavoidable, a redundant catch basin system shall be installed. Secondary overland overflow shall not be allowed (modified Condition No. 54).

OTHER CONDITIONS

13. Focused trapping surveys for Mohave ground squirrel shall be conducted by a CDFG approved biologist to determine the presence/absence of this species on the project site. These surveys shall be conducted in accordance with standard protocol established by CDFG. If Mohave ground squirrels are determined to be present on the project site, consultation with CDFG shall be required in order to obtain an Incidental Take Permit under §2081 of the CDFG Code.
14. A burrowing owl survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. This survey shall follow the protocol established by the Burrowing Owl Consortium. In the event that burrowing owls are identified/encountered on the project, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management requirements for the species.
15. 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.
16. The applicant shall be required to pay a total of \$34,535.80 to be held in trust by the City of Lancaster for the purchase of mitigation lands for the alkali mariposa lily. Payment of these fees is required prior to issuance of any permits (e.g., grading) for the proposed project.

17. 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 construction (grading/vegetation removal) activities. If a Streambed Alteration Agreement is required, it shall be obtained prior to the issuance of any permits (e.g., grading, stockpiling, etc.).
18. 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 construction (grading/vegetation removal) activities. If this permit is required, it shall be obtained prior to the issuance of any permit (e.g., grading, stockpiling, etc.).
19. Sampling of suspect asbestos or lead-based paint containing materials by a licensed California Certified Asbestos and Lead-Based Paint Consultant shall be conducted prior to ground disturbing (grading/vegetation removal) activities to assess whether asbestos or lead-based paint is present. If asbestos or lead-based paint is found, an asbestos and lead-based paint abatement contractor the materials prior to the issuance of a grading permit.\
20. 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.