

AGENDA ITEM: 6.

DATE: 01-20-09

STAFF REPORT

TENTATIVE TRACT MAP NO. 66624

DATE: January 20, 2009
TO: Lancaster Planning Commission
FROM: Planning Department
APPLICANT: Dung Chi Chu
LOCATION: 5.24± gross acres located west of Challenger Way and south of future Avenue H-4
REQUEST: A subdivision for 18 single family lots in the R-7,000 Zone

RECOMMENDATION: Adopt Resolution No. 09-03 approving Tentative Tract Map No. 66624.

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

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject property is designated UR (Urban Residential; 2.1 to 6.5 dwellings 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, Proposed TTM 64965
EAST	UR	R-7,000	Vacant, Proposed TTM 64024
SOUTH	UR	R-7,000	Vacant
WEST	UR	R-7,000	Vacant, Proposed TTM 64965

PUBLIC IMPROVEMENTS: The site is bounded to the east by Challenger Way. All public utilities are available or can be extended to serve the site.

ENVIRONMENTAL REVIEW: Review of pertinent environmental documents has disclosed no significant adverse impact resulting from the proposed subdivision after mitigation measures have been applied. Potential effects are discussed more fully in the attached Initial Study. The Initial Study prepared for the proposed project was sent to the State Clearinghouse SCH # 2008121049 for public review. This 30-day public review period ended on January 09, 2009. 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 the newspaper of general circulation per prescribed procedure.

ANALYSIS: The project subdivision consists of 18 single family lots in the R-7,000 Zone. The lots would range in size from 7,122 square feet to 9,757 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 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 proposed project site is vacant and undeveloped with a proposed residential neighborhood to the south of the project site.

Access to the subdivision would be obtained from Avenue H-4 via Challenger Way. The proposed subdivision has the potential to generate 180 vehicular trips per day with 18 trips occurring during peak hours which would not significantly impact surrounding streets. A 10-foot-wide landscape maintenance district with a decorative 6-foot high wall would be provided along Challenger Way.

A Phase I Cultural Resource Study was conducted for the proposed project site by C. A. Singer and Associates during March 2006. As a result, no archaeological resources were identified on the project site. The development of the proposed site would not directly or indirectly destroy a unique paleontological resource, site or geologic feature. No human remains, including those interred outside of formal cemeteries, were discovered on the site. However, in the event that such artifacts or site are discovered during the development of the property, work must stop at the discovery site, and a qualified archaeologist would need to evaluate the new find and, if necessary, implement an appropriate mitigation program.

Fran Akhavain prepared a Phase I Environmental Site Assessment Report during February 2006. According to the report, there is no evidence to suggest the manufacture, generation, use, storage and/or disposal of hazardous substances at the subject site. No environmental impairment was observed during the site reconnaissance performed on February 23, 2006. However, in addition to the site visit, a regulatory database search was conducted on the project site and the immediately surrounding area (up to one mile radius) by First American Commercial Real Estate Services, Inc. Sites within standard distances were reviewed to identify adjacent and surrounding sites that might potentially impact the soil and/or ground water conditions beneath the property. The project site was not identified on any database.

Mark Hagan, a wildlife biologist, conducted a biological survey on the property on March 1 and March 5, 2006. The site was evaluated for signs of Desert Tortoise, Mohave Ground Squirrel, Burrowing Owl, and other sensitive plant and animal species. The survey found the majority of the site characteristic of a saltbush (*Atriplex* sp.) scrub plant community. During the survey neither desert tortoise nor burrowing owls were observed. However, it is possible that burrowing owls could occupy the site in the future. Additionally, the project site does not contain suitable habitat for desert tortoise. The proposed project site is located within the geographic range of the Mohave ground squirrel and contains marginally suitable habitat to support the Mohave ground squirrel. With implementation of mitigation measures, impacts would be less than significant.

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 site. Therefore, staff is recommending that the Commission approve Tentative Tract Map No. 66624.

Respectfully submitted,

Elma Watson, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 09-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 66624

WHEREAS, a tentative subdivision map has been filed for Dung Chi Chu for the division of 5.24± gross acres located west of Challenger Way and south of future Avenue H-4, into 18 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 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 20, 2009; 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 18-lot subdivision is 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 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 less than significance with mitigation as noted in the environmental review section of the staff report.
4. The design and improvement of the subdivision are not likely to cause serious public health problems because adequate sewer and water systems will be provided to the project.
5. The design and improvement of the subdivision will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision because all such easements have been incorporated into the proposed public streets (or will be abandoned), based on staff review of a preliminary title report.
6. The proposed subdivision may have a beneficial effect on the housing needs of the region because an additional 4 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. 66624, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 20th day of January 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 09-03
TENTATIVE PARCEL MAP NO. 66624
CONDITIONS LIST
January 20, 2009**

GENERAL/ADVISORY

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

STREETS

2. Per direction of the Public Works Director, improve and offer for dedication the following streets:
 - Challenger Way at 78 feet of an ultimate 100-foot right-of-way
 - Avenue H-4 at 44 feet of an ultimate 64-foot right-of-way
 - Avenue H-6 at 42 feet of an ultimate 60-foot right-of-way
 - Denmore Avenue 42 feet of an ultimate 60-foot right-of-way
 - Street "D" at 42 feet of an ultimate 60-foot right-of-way

OTHER CONDITIONS

3. Contact the Los Angeles County Waterworks District to determine if there are additional off-site improvements or conditions which would be required. The proposed development will also be required to pay all applicable District fees.
4. Per the direction of the Directors of Planning and Public Works, at the time of project construction, the applicant shall be required to comply with all Ordinances adopted to address the balance of water supply to water demand.
5. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
6. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems (LS-3 rate schedule). 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.
7. Prior to grading, the applicant shall provide 24 hours, 7 days a week a contact name and valid phone number regarding blowing dust or debris from the site.

ENVIRONMENTAL

8. Based on the Biological Resource Report for the proposed subdivision and per the direction of the Planning Director, a nesting bird survey shall be made by a qualified biologist within 30 days prior to construction/ground disturbing activities. If nesting birds or signs thereof are discovered during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management measures for the species. Evidence that such re-examination has occurred shall be submitted to the Planning Department.
9. Based on the comments from Fish and Game for the proposed subdivision and per the direction of the Planning Director, a burrowing owl survey shall be made by a qualified biologist within thirty (30) days prior to ground disturbing activities. If burrowing owls or signs thereof are discovered during the survey, the applicant shall contact the California Department of Fish and Game to determine the appropriate mitigation/management measures for this species. Evidence that such re-examination has occurred shall be submitted to the Planning Department.
10. Based on the comments from Fish and Game for the proposed subdivision and per the direction of the Planning Director, focused trapping surveys for Mohave ground squirrel shall be conducted to determine the presence/absence of this species on the project site. These surveys shall be conducted in accordance with standard protocol established by CDFG. If Mohave ground squirrels are determined to be present on the project site, consultation with CDFG shall be required in order to obtain an Incidental Take Permit under §2081 of the CDFG Code.