

AGENDA ITEM: 2.

DATE: 05-18-09

STAFF REPORT

CONDITIONAL USE PERMIT NO. 07-19 TENTATIVE TRACT MAP NO. 70238

DATE: May 18, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Jusdyco, Inc.; Lancaster, LLC

LOCATION: 14.3± gross acres located on the northeast corner of 50th Street West and Lancaster Boulevard

REQUEST: Residential Planned Community of 160 individual detached airspace condominiums, with 1.7± acres of common open space in the MDR (Moderate Density Residential, 6.6 to 15 dwelling units per acre) Zone

RECOMMENDATION: Adopt Resolution No. 09-13 approving Conditional Use Permit No. 07-19 and Tentative Tract Map No. 70238.

BACKGROUND: There have been no cases to come before the Planning Commission or City Council.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject property is designated MR1 (Multi-Residential; 6.6 to 15.0 dwelling units per acre) by the General Plan, is zoned MDR (Moderate Density Residential, 6.6 to 15 dwelling units per acres) 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	MR1	MDR	Vacant
EAST	MR1/UR	MDR/R-7,000	Vacant
SOUTH	MR1	MDR	Vacant
WEST	P	P	Prison

PUBLIC IMPROVEMENTS: The site is bounded on the west by 50th Street West, which is currently dedicated at a 100-foot right-of-way, and improved with one-lane of traffic in each direction. 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 impacts resulting from the proposed subdivision once mitigation measures are added. Potential effects are discussed more fully in the attached initial study. 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 applicant is requesting approval of a residential planned development (RPD), to create 160 detached airspace condominiums and common open space lots totally 1.7± acres in size, in the MDR (Moderate Density Residential, 6.6 to 15 dwelling units per acre). The purpose and intent of the RPD is to promote residential amenities beyond those which are typical of conventional development, to achieve greater flexibility in design, to encourage well-planned neighborhoods and developments through creative and imaginative planning. Use of the RPD provisions of the Zoning Ordinance require that a conditional use permit be approved with the tentative map.

As stated above, the maximum density for the MDR Zone is 15 dwelling units per acre. This proposed multi-family project has a density of 11.2 dwelling units per acre, and offers a design that is unique to the City, offering a “walkable-cluster design” a design that simulates many safe and inviting cul-de-sacs with the units on individual lots facing into the cul-de-sac. The actual clusters themselves would be comprised of five, six, and seven units. Staff believes this proposal is superior to a typical multi-family apartment project, because it offers the advantages of a single family design

with each unit having their own small private yard, yet with the amenities of a planned community. There would be a “central park” of approximately one acre in size with basketball courts, picnic area with barbeques, and a gazebo. Towards the south end of the project, a small tot-lot would be provided, and on the north end a small quiet sitting park would be provided. These areas together with the allowable counting of up to 10% private open space comprise the required 30% open space for residential planned communities, which this project provides. Also, the Landscape Maintenance District (LMD) that is typically required along major and secondary arterials would have a new feature in that the 10-foot wide LMD would be split by a meandering sidewalk with a three-foot planter along the street to provide an attractive buffer, and offer a sense of safety from the roadway.

The units would employ a contemporary craftsman style architecture, which includes front porches on many of the models. The interior street design has varying street widths and reduced widths at the intersections for traffic calming. Also at the intersection is an enhanced crosswalk treatment which ties the open spaces together. Whenever possible the houses face the interior streets to help create an inviting neighborhood feel, and the homes would also have enhanced rear architectural features, such as extra treatment around windows and doors (e.g. shutters, gable roof treatments, etc.). Also, all units would have trash enclosure areas consisting of block walls to match the interior walls, in order to help maintain a clean and orderly development. Research has indicated that this cluster design has proven successful in many cities such as Irvine and Santa Clarita.

The proposed RPD has been conditioned to provide CC&Rs (covenants, conditions, and restrictions). The CC&Rs must meet the approval of the Planning Director and the City Attorney prior to approval of the final map. The CC&Rs would encumber the one lot subdivision for the 160 residential detached airspace condominiums for maintenance of the landscaping along Jackman Street, “A”, “H”, & “G” Streets, along the interior streets and in front of all the individual units themselves. In addition, the CC&Rs would also include the maintenance of the “central park,” tot-lot, the “sitting park,” and all other appurtenant equipment and facilities relating to the common open space. The only space in control of the residents is the individual private space.

The individual units of the RPD would be comprised of 54 homes of approximately 1,500 square feet with three bedrooms and two and half baths, 54 homes of approximately 1,700 square feet with three bedrooms, two and a half baths, and a loft, and 53 homes of approximately 1,900 square feet with four bedrooms, two and half baths, and a loft. Each home would have a two car garage. The zoning ordinance requires that multi-family projects provide 0.25 guest parking spaces per dwelling unit. Since this project is an RPD with private streets and a required Home Owner Association (with CC&Rs), on street parking within the project may be counted for guest parking. Therefore, a total of 181 guest parking spaces would be available (141 more spaces than the required minimum of one space for each four units) 115 spaces would be on the private streets of the project, and an additional 69 off-street spaces would be provided. (All parking spaces are indicated on the architect’s site plan by the use of triangles.)

Adequate drainage facilities and improvements would be provided for the subdivision. The applicant is proposing the installation of on-site storm drains with catch basins. The final hydrology report would determine the required sizes. The proposed storm drain system is being designed to

connect to the large retention basin(s) on the west side of 50th Street West per the Master Plan of Drainage.

Access to the RPD would be from "A" and "G" Streets via either Jackman Street or Lancaster Boulevard. The proposed subdivision has the potential to generate 937 vehicular trips per day based on the ITE Trip Generation Manual, 7th Edition, which is not anticipated to significantly impact surrounding streets because currently most of the surrounding area is vacant. The subdivision design incorporates a series of right-angle turns, traffic calming bulb-outs, and short street segments, which would help to reduce vehicular speeds within the subdivision. This design, in addition to the street improvements to be provided as part of project development, would provide for adequate circulation and ensure that project traffic will not adversely affect traffic flow on any of the area streets.

A Phase I Cultural Resource Investigation was conducted for the proposed project site by Hudlow Cultural Resource Associates during October 2006. As a result of the investigation, no prehistoric period sites or artifacts were discovered. No further archaeological work would be required.

An Environmental Site Assessment Report was prepared by GeoTek, Inc., during October 2006. According to the report, no evidence of recognized environmental conditions that could impact the subject property was discovered.

A biological survey was conducted for the proposed project by Mark Hagan, and documented in a report entitled "Biological Resource Assessment of a 15 Acre Parcel, Lancaster California" and dated May 15, 2007. It was noted during the survey that there were no desert tortoises (*Gopherus agassizii*) or their sign were observed during the field survey. No burrowing owl (*Athene cunicularia*) or their burrows were observed during the field survey; however, a burrowing owl flight feather was observed in a shrub. A burrowing owl, and its burrow, was sighted in 2006 approximately 600 feet to the north of this study site; therefore, this site may be a foraging site for burrowing owls. The proposed project site is not located within the geographic range of the Mohave ground squirrel (*Spermophilus mohavaensis*). The alkali mariposa lily could occur within the proposed project site. Therefore, to reduce impacts to a less than significant level the project has been conditioned to do a burrowing owl and a nesting bird survey 30 days prior to the start of construction/ground disturbing activities. Should anything be detected, the project applicant must consult with the California Department of Fish and Game to determine appropriate mitigation measures. To reduce impacts to the alkali mariposa lily, the proposed project has been conditioned to do a springtime rare plant survey. Should a rare species be identified on the project site, the applicant would be required to pay a total of \$36,892.70 (15.34 acres times \$2,405.00) to be held in trust by the City of Lancaster for the purchase of mitigation land for the alkali mariposa lily. Payment of these fees is required prior to issuance of any permits (e.g., grading) for the proposed project.

The project site is located within an area that is designated as having potential liquefaction per the State Hazards Map (SSHZ Maps). A liquefaction study was conducted for this site by Earth Systems Southern California, entitled "Site Liquefaction Review Tentative Tract 70238 (C.U.P. 07-

19) 50th Street West and Lancaster Boulevard, Lancaster, Los Angeles County, California,” dated December 5, 2008. In order to address the potential for liquefaction data was obtained from six exploratory soil borings, site observations during the field exploration operations, and past experience. Based on the liquefaction analysis, the subsurface soils beneath the project site are not expected to liquefy in the event of a significant nearby earthquake. This report was forwarded to URS Corporation for a third party review of the data. In a memo dated January 19, 2009, URS Corporation concurs with the results of the liquefaction report. Therefore, no impacts from liquefaction are anticipated.

The proposed residential planned development meets the provisions of Section 17.08.340 “Residential Planned Development” of the Zoning Ordinance, and sufficient access, utilities and improvements can be provided to the site. Therefore, staff is recommending that the Commission approve Conditional Use Permit No. 07-19 and Tentative Tract Map No. 60238.

Respectfully submitted,

Dan Miller, Assistant Planner

cc: Applicant, Engineer

RESOLUTION NO. 09-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 70238 & CONDITIONAL USE PERMIT NO. 07-19

WHEREAS, a tentative subdivision map and a conditional use permit has been filed by Jusdyco, Inc., for the division of 15.34± gross acres of land located on the northeast corner of 50th Street West and Lancaster Boulevard as shown on the attached site map, into a residential planned development (RPD) consisting of 160 individual detached airspace condominiums, with 1.7± acres of common open space in the MDR Zone.

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 Lancaster Municipal Code; and

WHEREAS, an application for the above described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code; and

WHEREAS, a notice of intention to consider the granting of a conditional use permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California ; and

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

WHEREAS, public notice was provided as required by law and a public hearing was held on May 18, 2009; 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 and conditional use permit 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 and conditional use permit 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 residential planned development are consistent with the General Plan land use designation of MR1 (Multi-Residential, 6.6 to 15.0 dwelling units per acre) for the subject property and with the provisions of Section 17.08.340 "Residential Planned Developments" of the Zoning Ordinance.
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 160 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 hereby adopts the following findings in support of approval of this conditional use permit:

1. The proposed residential planned development will be in conformance with the General Plan land use designation of MR1 (Multi-Residential, 6.6 to 15.0 dwelling units per acre) and with the various policies and specific actions of the General Plan which state:

Policy 19.1.1: Promote high quality projects and facilitate innovation in building design, land use mixes and site planning, and by encouraging mixed use developments that contain, when

appropriate, pedestrian scale and uses that encourage a sense of place.

Specific Action 19.1.1(a): Encourage the use of innovative and/or mixed use developments, allowing the flexibility of design and siting standards such as setbacks, yards, and building relationships.

Policy 19.1.7: Promote appropriate site design that allows for efficient and attractive developments.

2. The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the overall residential density allowed on the entire site will not exceed that permitted by the provisions of the MDR Zone.
 - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because the design of the RPD provides for common landscaped areas, pocket park, basketball court, tot lot, gazebo and other design features that will ensure that the development adheres to the character of the surrounding neighborhood.
 - c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare, because adequate water, sewer, and drainage facilities will be required as discussed in the staff report.
3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features prescribed in the Zoning Ordinance or as is otherwise required in order to integrate said use with the uses in the surrounding area.
4. The proposed site is adequately served:
 - a. By 50th Street West which will be improved as necessary to carry the kind and quantity of traffic such use would generate; and
 - b. By other public and private infrastructure and services as are required.
5. The proposed use will not result in a significant effect on the environment because all potential impacts have been determined not to be significant after mitigation measures have been added as noted in the environmental review section of the staff report and in the initial study prepared for this project:

WHEREAS, this Commission, after considering all evidence presented, further finds that approval of the proposed tentative subdivision map and conditional use permit 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 the proposed tentative tract map and conditional use permit 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.
2. This Commission hereby adopts the Mitigation Monitoring Program, Exhibit "A."
3. This Commission hereby approves Tentative Tract Map No. 70238 and Conditional Use Permit No. 07-19, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 18th day of May, 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. 09-13
TENTATIVE TRACT MAP NO. 70238 &
CONDITIONAL USE PERMIT NO. 07-19
CONDITIONS LIST
May 18, 2009**

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Numbers 06-11 (Tentative Tract Maps) and 06-16 shall apply, except Condition No. 59 of Resolution No. 06-16 (Conditional Use Permits) (regarding water credits).
2. Obtain approval of the Planning Director and the City Attorney for proposed homeowners association maintenance agreements prior to recordation of the final map or a phase thereof. (To include required landscaping, parking within the garage, placement of trash cans, management company in charge of overseeing the CCR's and owner occupied units).

STREETS

3. Per direction of the Director of Public Works, improve and offer for dedication:
 - 50th Street West at 70 feet of an ultimate 100-foot right-of-way
 - Lancaster Boulevard at 62 feet of an ultimate 84-foot right-of-way
 - Jackman Street at a 44 feet of an ultimate 64-foot right-of-way
 - "A," "H," & "G" Streets at a 60-foot right-of-way
4. Per direction of the Public Works Director, provide additional dedication and improvement for a right-turn lane on 50th Street West at the intersection with Jackman Street. The lane and dedication shall be 12 feet in width and 150 feet in length, with a 90-foot transition.
5. Per direction of the Director of Public Works, install a raised landscape median with stamped concrete in 50th Street West.
6. Per the direction of the Director of Public Works, provide a left-turn lane in the raised median in 50th Street West at the intersection of Lancaster Boulevard. The turn pocket shall be at 10 feet in width, and 150 feet in length with a 90-foot transition.
7. Per the direction of the Director of Public Works and Planning, provide an LMD cross section that provides a 3-foot wide planter alongside the curb, then the sidewalk, and a 7-foot wide planter alongside the LMD decorative wall, for 50th Street West and Lancaster Boulevard.
8. Dedicate the right to restrict direct vehicular access to 50th Street West, Lancaster Boulevard, and Jackman Street.

DRAINAGE

9. 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.
10. Per the direction of the Director of Public Works and the Master Plan of Drainage connect the on-site storm drain system to the retention basin on the west side of 50th Street West.

WATER AND SEWER

11. Per the direction of the Director of Public Works, connect to the sewer line in Avenue I.

OTHER

12. This Conditional Use Permit for a Residential Planned Development would be tied to the approval dates of TTM 70238. (Modifies Condition No. 30 of Resolution No. 06-16.)
13. Per the direction of the Planning Director, the applicant shall be required to pay a total of \$36,892.70 (15.34 acres x \$2,405.00/ac.) to be held in trust by the City of Lancaster for the purchase of mitigation land for the alkali mariposa lily. Payment of these fees is required prior to issuance of any permits (e.g., grading) for the proposed project.
14. Per the direction of the Planning Director, a Burrowing Owl survey is required 30-days prior to ground disturbing activities. Should burrowing owls be detected, consultation with Fish and Game shall be conducted.
15. Per the direction of the Planning Director, within 30 days of the start of construction/ground disturbing activities, a nesting bird survey shall be conducted. If nesting birds are detected, the project applicant shall either modify the construction schedule to avoid those nesting areas or postpone the construction operations until the nesting season is over.
16. Per the direction of the Planning Director, the Homeowners association will maintain the common open space including but not limited to the "central park" and it's amenities (gazebo, barbeques, basketball courts), tot-lot and it's equipment, sitting park and it's equipment, landscaping along Jackman Street, "A, H, & G" Streets, all interior streets, all interior landscaping including front yard and side yard landscaping (excluding private yards).
17. Per the direction of the Planning Director and the Homeowners Association, all trash containers shall be kept inside trash enclosures except on trash day.

18. Per the direction of the Planning Director, all yards (front, side and rear) shall be landscaped and irrigated per Ordinance 907, to include decorative colored stamped concrete.
19. Per the direction of the Planning Director, walls adjacent to the park shall be installed with a combination block wall and wrought iron.
20. Per the direction of the Planning Director, secure bicycle parking area(s) shall be provided in common open area.
21. The Planning Director is authorized to review and approve the elevations of individual buildings (gazebos, patios, pavers, private concrete in rear yard and concrete colored driveway etc.) proposed within the project to ensure that they are compatible with the architectural design of the overall project.
22. Per the direction of the Planning Director, design details are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of fences and walls, and location and screening of above-ground utilities.
23. Per the direction of the Planning Director, provide trash receptacles in all open space areas.