
INTERNAL MEMO

DATE: JULY 20, 2009

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

APPLICANT: JUSDYCO, INC. LANCASTER, LLC

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

REQUEST:

Construction of a Residential Planned Community of 155 individual detached airspace condominiums, with 1.9 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, including revised site plan and conditions.

BACKGROUND:

On May 18, 2009, the Planning Commission continued Conditional Use Permit No. 07-19 and Tentative Tract Map No. 70238 for 60 days to allow the applicant to work with staff regarding the following items: 1) Guest parking availability; 2) Trash dispenser locations on trash day; 3) Additional recreation amenities; 4) Clarification on 20' x 20' garage free of utilities and storage availability; 5) Walkability and traffic on Lancaster Boulevard; and 6) Confirmation statement of single ownership in CC&R's.

ENVIRONMENTAL:

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.

ANALYSIS:

In response to the Commissioners' concerns above, the applicant has made the following modifications:

Item 1. The site plan has been revised to address the Commission's request to increase guest parking. The applicant's original plan showed 5 off-street parking spaces on the south side of the large common open space (park) and 16 parallel on-street parking spaces adjacent to the park for a total of 21 parking spaces. There were also 4 spaces by the tot-lot. The new site plan shows 24 off-street parking spaces around the park and 11 parallel on-street parking spaces around the park for a total of 35 parking spaces and an additional parking space was provided by the tot-lot. In addition, 4 parallel off-street parking spaces are being provided by the Quiet Garden. Their new plan provides 33 off-street parking spaces and 11 on-street parking spaces adjacent to the park for a total of 44 guest parking spaces, 5 more than required by the Municipal Code.

Item 2. The applicant has redesigned their site plan and provided bulb-outs to all the interior street clusters to prevent on-street parking and thereby provide a location for trash dispensers.

Item 3. To address the Commission's concerns for additional amenities, the applicant increased the size of the common open space from 1.7± acres to 1.9± acres and added a 2,777 square foot recreation room with an enclosed swimming pool. In addition, each unit would be provided a rear yard patio.

Item 4. The Commission was also concerned with available storage, which came about during the discussion of the size of the garages. It was clarified that the minimum size for a garage was 20' x 20' for all single family homes and that is what is being proposed for each cluster-unit. As an additional amenity, the applicant responded to the Commission's concern for storage and is proposing a large storage-shelf area within the garage.

Item 5. The project provides pedestrians the ability to walk to various locations within the project on interior sidewalks that are observable to neighboring residences. Staff does not believe there will be a significant flow of eastward traffic from the project, since the roads east of the project site are unpaved.

Item 6. The City attorney has indicated that owner occupied tenure cannot be imposed by the City. The applicant has submitted elevations for the various homes, staff believes that the elevations lack architectural treatment. With the direction from City Council for substantial changes in architectural design, staff is recommending that the applicant enhance the elevations of the buildings, and return to staff for review prior to issuance of building permits.

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. Staff is recommending that the Commission approve Conditional Use Permit No. 07-19 and Tentative Tract Map No. 70238 subject to the proposed conditions and modifications proposed by the applicant.

BL/jr

Attachments:

PC Staff Report dated May 18, 2009

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 155 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 July 20, 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 155 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 20th day of July 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
July 20, 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 homeowner's 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).

STREETS

3. Per direction of the Director of Public Works, improve and offer for dedication:
 - 50th Street West at 78 feet of an ultimate 100-foot right-of-way
 - Lancaster Boulevard at 70 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 (recreation room, swimming pool, 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.

Conditions List

Attachment to PC Resolution No. 09-13

Conditional Use Permit No. 07-19 and Tentative Tract Map No. 70238

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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 (recreation room, swimming pool enclosure, gazebos, patios, pavers, private patio 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. The Planning Director is authorized to review and approve the elevations of individual buildings and design details proposed to ensure that they are compatible with the concept of 360 degree architecture and other design principles. This review includes, but is not limited to, architectural color, exterior material, material and type of fences/walls location of above ground utilities and colored driveways. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of subsequent buildings, patios, trellis, the matter may be appealed, and the Architectural and Design Commission (ADC) shall render the final decision.
23. Per the direction of the Planning Director, provide trash receptacles in all open space areas.
24. Per the direction of the Planning Director, provide storage-shelf area in all garages ranging in size from 3' x 11' to 3' x 15.'