

AGENDA ITEM: 2.

DATE: 10-19-09

**STAFF REPORT**

**TENTATIVE TRACT MAP NO. 66408**

DATE: October 19, 2009  
TO: Lancaster Planning Commission  
FROM: Planning Department  
APPLICANT: Antelope Valley Land, LLC  
LOCATION: 4.77± gross acres located west of 22<sup>nd</sup> Street East and north of Avenue J-6  
REQUEST: A subdivision for 20 single family lots in the R-7,000 Zone

RECOMMENDATION: Adopt Resolution No. 09-28 approving Tentative Tract Map No. 66408.

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 as UR (Urban Residential; 2.1 to 6.5 dwellings units per acre) by the General Plan, is zoned R-7,000 (one single family dwelling unit per 7,000 square feet lot), 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, Approved TTM 60489
EAST	UR	R-7,000	Vacant, Approved TTM 60489
SOUTH	MR1	MDR	Multi-family, Apartments
WEST	MR1	MHP	Multi-family, Mobile Home Park

PUBLIC IMPROVEMENTS: The site is bounded to the north by Avenue J-4 and to south by Avenue J-6. 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 # 2009091034 for public review. This 30-day public review period ended on October 12, 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 proposed subdivision consists of 20 single family lots in the R-7,000 Zone. The lots range in size from 7,361 square feet to 8,002 square feet, not including alternate 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 residential subdivision would have two points of access: one from 20<sup>th</sup> Street East via Avenue J-4, and the second from 20<sup>th</sup> Street East via Avenue J-8, then north on 22<sup>nd</sup> Street East and west on Avenue J-6. "B" Street is being developed at a 53.5-foot right-of-way due to encroachment of the mobile home park. The proposed subdivision has the potential to generate 200 vehicular trips per day with 20 trips occurring during peak hours, which would not significantly impact surrounding streets.

Two cultural resources surveys were conducted for the project site by McKENNA et al. As a result of the investigation, no historic or prehistoric period sites or resources were identified, no significant cultural resources, no impacts to cultural resources are anticipated due to future development, and no archaeological resources were identified on the property. Therefore, no impacts would occur.

Two Phase I Environmental Site Assessments were prepared for the proposed project by Bruin Geotechnical Services. According to the reports, there is no evidence to suggest the manufacture, generation, use, storage and/or disposal of hazardous substances at the subject site. There was no

evidence of illegal dumping with exceptions of scattered litter, and not judged to be toxic or hazardous. A regulatory records review was conducted for the project site, and two sites were located within one mile of the project site. It was determined that these listings would not impact the site. Therefore, no further environmental investigations are recommended.

Two biological resources surveys were conducted for the proposed project by Callyn D. Yorke Ph.D. The site consists of vacant land with considerable disturbance due to clearing of vegetation, fire, refuse disposal and local traffic. 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. Additionally, suitable habitat exists to support nesting birds. Therefore, in order to reduce impacts to wildlife, a mitigation monitoring plan has been installed. A burrowing owl survey / nesting bird survey shall be conducted within 30 days of ground disturbing activities. With implementation of mitigation measures, impacts would be less than significant.

A drainage ditch running northward along the western boundary of the site has enough subsurface moisture to support a small patch of weedy riparian growth. This drainage may be California Department of Fish and Game (CDFG) jurisdictional water, and, therefore, the implementation of the following mitigation measure would reduce impacts to less than significant levels. The applicant shall consult with the CDFG 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. The applicant would also coordinate with the Lahontan Regional Water Quality Control 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.

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. 66408.

Respectfully submitted,

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Elma Watson, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 09-28

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 66408

WHEREAS, a tentative subdivision map has been filed for Antelope Valley Land, LLC for the division of 4.77± gross acres located west of 22<sup>nd</sup> Street East and north of Avenue J-6, into 20 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 October 19, 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 20-lot subdivision is consistent with the General Plan land use designation of UR (Urban Residential) for the subject property and with General Plan Policy No. 19.3.1 which instructs staff to "Promote high quality development by facilitating innovation in architecture/building design, site planning, streetscapes, and signage."

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 20 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. 66408, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 19<sup>th</sup> day of October 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 09-28**  
**TENTATIVE TRACT MAP NO. 66408**  
**CONDITIONS LIST**  
**October 19, 2009**

**GENERAL/ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 06-11 shall apply except Condition No. 64 (modified below) and delete Condition No. 59.

**STREETS**

2. Per direction of the Director of Public Works, improve and offer for dedication the following streets:
  - Avenue J-4 at 42 feet of an ultimate 60-foot right-of-way
  - Avenue J-6 at 42 feet of an ultimate 60-foot right-of-way
  - Street "A" at 42 feet of an ultimate 60-foot right-of-way
  - Street "B" at a 53.5-foot right-of-way

**OTHER CONDITIONS**

3. Per the direction of the Planning Director, all elevations for proposed buildings shall be compatible with the architectural design guidelines established. Elevations shall be submitted to the Planning Department for review 90 days prior to submittal to Building Department. Design and location of such buildings are subject to review and approval by the Planning Director, including but not limited to architectural style, color, exterior materials, loading areas, material and type of fences and walls, and location and screening of above-ground utilities. The applicant shall provide 360-degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
4. 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.
5. 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.
6. Per the direction of the Director of Public Works and prior to approval, landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Development Engineering Department, along with required plan check fees, for review and approval prior to the installation of landscaping or irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees, and irrigation facilities. (Modified Condition No. 64)

7. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
8. Per the direction of Public Works and Planning, the applicant shall use drought tolerant measures, such as E-T controllers and rotator nozzles, wherever possible, and use drought tolerant landscaping.
9. 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.
10. 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 CONDITIONS**

11. 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 a week 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.
12. 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.
13. The applicant shall consult with the California Department of Fish and Game (CDFG) to determine whether or not a Section 1602 Streambed Alteration Agreement is required prior to the development of the project site.
14. 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.).