

RESOLUTION NO. 23-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR GENERAL PLAN AMENDMENT (GPA) NO. 23-001 TO CHANGE THE GENERAL PLAN DESIGNATION TO MR1 AND ZONE CHANGE (ZC) NO. 23-001 TO CHANGE THE ZONING TO MDR, APPROVING TENTATIVE TRACT MAP NO. 23-003 (TTM 84221) FOR THE SUBDIVISION OF APPROXIMATELY 45 GROSS ACRES INTO 109 LOTS LOCATED ON THE WEST SIDE OF SIERRA HIGHWAY BETWEEN AVENUE H AND AVENUE H-8 (APNS: 3135-001-903 THRU 3153-001-918), ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH# 2023100288), APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING STAFF TO EXECUTE THE NOTICE OF DETERMINATION

WHEREAS, the subject property is approximately 45 acres located on the west side of Sierra Highway between Avenue H and Avenue H-8 (Assessor Parcel Numbers [APNs] 3135-001-903 thru 3135-001-918); and

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07, Kevin Harbison on behalf of Maison's Sierra Phase 1/Kevin Harbison ("Applicant"), has initiated an application for a General Plan Amendment (GPA No. 23-001) to redesignate the entire subject area from a mix of MR1 (multi-residential, 6.6 to 15 dwellings units per acre) and O (Open Space) to MR1; and

WHEREAS, pursuant to Section 17.24.040 of the Lancaster Municipal Code ("LMC"), the Applicant has initiated an application for a zone change (ZC No. 23-001), and requested that the Planning Commission consider a change to the zoning for the project site from a mix of MDR (Moderate Density Residential) and PK (Park) to MDR; and

WHEREAS, a Tentative Tract Map (TTM 23-003 [TTM 84221]) has been requested by the Applicant to allow for the subdivision of approximately 45 gross acres into 109 lots (98 residential lots, 10 lettered common lots, and 1 remainder lot) on the west side of Sierra Highway between Avenue H and Avenue H-8 (APNs: 3135-001-903 thru 3135-001-018) in the MDR zone; and

WHEREAS, the above-described Tentative Tract Map application has been filed pursuant to Chapter 16.08 of the Lancaster Municipal Code ("LMC"); and

WHEREAS, staff has performed the necessary investigations to ensure the proposed division of land would be consistent with the purpose of the City's Subdivision Ordinance, the State Subdivision Map Act, and the regulations of the LMC, prepared a written report, and recommended approval of this Tentative Tract Map, subject to conditions; and

WHEREAS, a notice of intention to consider granting of a General Plan Amendment and Zone Change has been given as required by Chapter 17.24 of the LMC, and Section 65905 of the Government Code of the State of California; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, §210000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.) (“CEQA”), an Initial Study (SCH #2023100288) was prepared for the proposed project and circulated for public review ending on November 9, 2023; and

WHEREAS, on the basis of the Initial Study, which indicated that all potential environmental impacts from the proposed project would be less than significant with the incorporation of the identified mitigation measures, staff determined that a Mitigated Negative Declaration should be prepared; and

WHEREAS, the public review period closed on November 9, 2023 and all comments received from the public and responsible, trustee, and interested agencies were considered; and

WHEREAS, public notice was provided, as required by law, and a public hearing was held by the City of Lancaster Planning Commission (“Planning Commission”) on November 13, 2023; and

WHEREAS, the Planning Commission desires to recommend that the City Council approve and adopt GPA No. 23-001 and ZC 23-001; and

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approve the Applicant’s requested Tentative Tract Map

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LANCASTER, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. This Commission hereby finds the foregoing recitals are true, correct and a substantive part of this resolution.

Section 2. That the Planning Commission hereby certifies that it has reviewed and considered the information in the Initial Study/Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act (“CEQA”) (including its implementing regulations) prior to taking action. The Planning Commission hereby finds that the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures as detailed in the Mitigated Negative Declaration. The Planning Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Initial Study/Mitigated Negative Declaration prepared for the proposed project reflects the independent judgement of the City of Lancaster.

Section 3. That the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program included in the Mitigated Negative Declaration.

Section 4. That the Community Development Department, Planning and Permitting staff is hereby authorized and directed to prepare, execute, and file a Notice of Determination pursuant to CEQA (including its implementing guidelines).

Section 5. That the Planning Commission hereby adopts the following General Plan Amendment findings, pursuant to Section 17.24.140 of the LMC, in support of approval of this application:

- a. Information presented at public hearing shows that such amendment is necessary to implement the general plan and/or the public convenience, the general welfare or good zoning practice justifies such action.

There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment. The proposed amendment would allow for development of the project site in accordance with goals of the City and provide needed housing for a variety of income levels. The proposed amendment would not adversely affect the economic health of the City, as the development of the project would not require a major investment to provide access or public infrastructure to the site. Access already exists from Sierra Highway and Avenue H-4 and public utilities including water, sewer, and electricity exist in the vicinity of the project site. The proposed development is consistent with the other residential, school/park, and industrial uses in the general vicinity of the site and the amendment would be compatible with the existing partial designation of the site as MR1.

Section 6. That the Planning Commission hereby adopts the following Zone Change findings, pursuant to Section 17.24.120 of the LMC, in support of approval of this application.

- a. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration.

Modified conditions warrant a revision in the zoning plan in order to allow for the permitting of the proposed project. A portion of the project site is already zoned for multi-family residential development and the zone change would allow for a consistent zoning across the project site. Existing single family residential uses are located immediately to the west along with Mariposa School and Park. Whit Carter Park exists to the south and the remaining property to the north and east is zoned for industrial uses. The MDR zoning across the entire project site would not be a substantial change from the MDR/PK zoning that exists on the site now and would be compatible with the surrounding zoning.

- b. That a need for the proposed zone classification exists within such area or district.

A need for the proposed MDR zoning across the entire site exists in order to allow for a greater variety of housing choices for all income levels. The proposed zoning would allow for slightly smaller lots than the R-7,000 zoning located to the west and would facilitate the development of an affordable rental community of traditional style homes. This development is needed in order to help provide housing to all residents of the City.

- c. That the particular property under consideration is a proper location for said zone classification within such area or district.

The particular property under consideration is a suitable location for the MDR zone as a portion of the subject property is already zoned as such. The property to the west is zoned R-7,000 and the lots are of similar size to the lots being proposed with this development. Additionally, access to the project site would be obtained directly from a major arterial and would not require the construction of additional roadways to access the site.

- d. That placement of the proposed zone at such location will be in the interest of public health, safety, and general welfare and in conformity with good zoning practice.

Placement of the proposed zone at this location will be in the interest of public health, safety and general welfare and is in conformity with good zoning practice. The proposed zone change would provide consistent zoning across the entirety of the project site and would be compatible with the surrounding zoning and existing developments.

Section 7. That the Planning Commission hereby adopts the following findings pursuant to Section 16.08.110 of the LMC:

- a. The proposed subdivision is consistent with the general plan, any applicable specific plan, and is compatible with the general plan land uses, goals, objectives, policies, and specific actions specified in such plan.

The proposed project is a residential subdivision consistent with the general plan land use designation of MR1 (Multi-Residential) and with the policies, goals, objectives, and specific actions of the General Plan. The proposed project is not located within the boundaries of a Specific Plan.

- b. The design and improvement of the proposed subdivision is consistent with the general plan, any applicable specific plan, Title 17, and this title.

The design and improvements of the proposed subdivision are consistent with the General Plan and use designation of MR1 and the development standards identified in Sections 17.08.060 and 17.080.070 of the LMC when considered with the

requested concessions for corner lot width, and side and front yard setbacks. The project site is not located within the boundaries of a specific plan.

- c. The site is physically suitable for the type and density of the development proposed.

The project site is physically suitable for the type and density of the proposed development. Adequate roadway capacity and infrastructure exists in the vicinity of the project or can be provided to support the development.

- d. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An initial study was prepared for the proposed development to assess potential impacts to twenty-one (21) resource areas including biological resources. No sensitive status plant or animal species were identified during the surveys and mitigation measures have been provided to ensure that any potential impacts remain less than significant. Mitigation measures have also been provided for other resource areas such as air quality, cultural resources, geology and soils, and noise.

- e. The design of the subdivision or the type of improvements will not cause serious public health problems.

The design of the subdivision and the associated improvements are not likely to cause serious public health problems as adequate sewer and water systems will be provided to the proposed development. Additionally, all residences within the subdivision are required to have trash collection services in accordance with the City of Lancaster's Waste Management franchise agreement.

- f. The design or the types of improvements of the subdivision will not conflict with easements acquired by the public at large, for access through, or use of, property within the subdivision. The City may approve the map if alternate easements will be provided in accordance with Section 66474(g) of the Subdivision Map Act.

There is a 10' trunk sewer easement that runs in a north/south direction through the eastern portion of the project site. This easement will remain and no structures will be built on top of the easements. The site been designed so that the easement is located within the paseos and open space areas. There is no public access easement across the site; therefore, the design of the subdivision will not conflict with public access. Any other utility can be accommodated within the design of the proposed project.

- g. The City's action will not have an adverse effect on the housing needs of the region and the City has balanced these needs against the public service needs of its residents and available fiscal and environmental resources, in accordance with Section 66412.3 of the Subdivision Map Act.

The proposed project would have a beneficial effect on the housing needs of the region because an additional 196 dwelling units would be provided in Phase I of the proposed project and up to 499 units would be at full build out. These units would all be affordable and provide housing to residents with an AMI of 30% to 80%. The proposed project would not adversely affect the economic health of the City as the infrastructure to support the proposed project, such as roadways and utility lines, currently existing in the vicinity of the project site and the maintenance of this infrastructure is already occurring. Additionally, all roadways, sewer, and water lines within the subdivision would be private and maintained by the Homeowners/Property Owner's Association.

- h. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

The proposed project is not expected to have any significant impact on any future passive or natural heating or cooling opportunities. The proposed project has been designed to take advantage of heating and cooling opportunities to the extent feasible. Additionally, the proposed project is required to comply with Title 24, which includes requirements for solar energy.

Section 8. That the Planning Commission hereby recommends that the City Council approve GPA No. 23-001 to redesignate the subject property from a mix of MR1 and O to MR1.

Section 9. That the Planning Commission hereby recommends that the City Council approve ZC No. 23-003 to rezone the subject property from a mix of MDR and PK to MDR.

Section 10. This Commission hereby approves Tentative Tract Map No. 23-003 (TTM No. 84221) subject to the conditions attached hereto and incorporated herein and subject further to the City Council approving GPA No. 23-001 and ZC No. 23-001.

Section 11. The Planning Commission staff is authorized and hereby directed to transmit this Resolution to the City Council as required by Section 65855 of the Government Code.

Section 12. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Lancaster City Hall, 44933 Fern Avenue, Lancaster, CA 93534. This information is provided in compliance with Public Resources Code Section 21081.6.

Section 13. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

PASSED, APPROVED and ADOPTED this 13th day of November 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

Patti Garibay, Assistant Director – Community Development Planning & Permitting
City of Lancaster

Attachments:

- A. Conditions List
- B. Mitigation Monitoring and Reporting Program

Within 10 working days of the date of this decision by the Commission, an applicant or an interested City resident may submit to the City Clerk a notice of appeal pursuant to LMC Sections 17.36.030 and 2.44.010 *et seq.*

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.