

RESOLUTION NO. 23-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING TENTATIVE TRACT MAP (TTM) NO. 69560 AND VARIANCE (VAR) NO. 23-001 TO ALLOW FOR THE SUBDIVISION OF 3.5 GROSS ACRES INTO 15 SINGLE-FAMILY LOTS AND A REDUCTION OF CORNER LOT WIDTH STANDARDS IN THE R-7,000 ZONE LOCATED BETWEEN 7TH STREET EAST AND 8TH STREET EAST, NORTH OF AVENUE J-6 (APN: 3140-009-003, 3140-009-006 AND 3140-034-036) AND ADOPTING A MITIGATED NEGATIVE DECLARATION.

WHEREAS, on May 25, 2021, JT Engineering (“Applicant”) submitted an application for Tentative Tract Map Number 69560 (TTM 69560) to allow for the subdivision of 15 single-family residential lots on 3.5 gross acres located between 7th Street East and 8th Street East, north of Avenue J-6 (APNs: 3140-009-003, 3140-009-006 and 3140-034-036) in the R-7,000 (single-family residential, minimum lot size 7,000 square feet) zone; and

WHEREAS, on May 8, 2023, the Applicant submitted an application for Variance Number 23-001 (VAR No. 23-001), for the reduction of lot width standards of a corner lot in the R-7,000 Zone located between 7th Street East and 8th Street East, north of Avenue J-6; 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, §150000 et seq.) (collectively, “CEQA”), an Initial Study was prepared in September 2023 to evaluate potential impacts to the environment consistent with CEQA; and

WHEREAS, pursuant to CEQA, an Initial Study analyzing all potential impacts of the Project was prepared for the City’s consideration as the lead agency under State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which indicated that all potential environmental impacts from the Project would be less than significant with the incorporation of the mitigation measures in the Mitigation Monitoring and Reporting Program (“MMRP”), City staff determined that a Mitigated Negative Declaration (“MND”) should be prepared; and

WHEREAS, the Draft Initial Study/MND (SCH# 2023100256) was prepared in accordance with CEQA and circulated for public review and comment between October 10 and November 9, 2023 by: (1) filing a Notice of Intent to Adopt a Mitigated Negative Declaration (“NOI”) with the State Clearinghouse; (2) filing a NOI with the Los Angeles County Clerk; (3) placing a NOI in the Antelope Valley Press a newspaper of general circulation; (4) mailing a NOI to various interested persons, agencies and tribes; and (5) posting a NOI on the City’s website; and

WHEREAS, copies of the Draft Initial Study/MND were available during the public review period at City Hall, Lancaster Library, and on the City's website; and

WHEREAS, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the MMRP has been prepared and includes mitigation measures for air quality, biological resources, cultural resources, geology and soils, and noise; and

WHEREAS, the public review period closed on November 9, 2023 and all comments were received, considered and responded to from the public, as well as any responsible, trustee, and interested agencies on the IS/MND; and

WHEREAS, TTM 69560 has been filed pursuant to Chapter 16.08 of the Lancaster Municipal Code ("LMC"); and

WHEREAS, VAR No. 23-001 has been filed pursuant to Chapter 17.32 of the LMC; and

WHEREAS, staff has performed the necessary investigations to ensure the division of land for APNs: 3140-009-003, 3140-009-006 and 3140-034-036 are consistent with the purpose of the City of Lancaster's ("City") Subdivision Ordinance, the State Subdivision Map Act, and regulations of the LMC; and

WHEREAS, TTM No. 69560 is subject to the Conditions of Approval attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, a notice of intention to consider granting of a Variance has been given as required by Article V of Chapter 17.32 of the LMC, and Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed the necessary investigations, prepared a written report, and recommended approval of TTM No. 69560, subject to conditions; and

WHEREAS, public notice was published and given as required by law, and a public hearing was conducted by the Planning Commission on November 13, 2023 concerning the IS/MND and all other relevant information contained in the administrative record regarding the Project, including all oral and written evidence presented to it during all meetings and hearings; and

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

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approve Applicant's requested Variance.

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

Section 1. Recitals. The foregoing recitals are true, correct and a substantive part of this Resolution.

Section 2. CEQA Findings.

A. The Planning Commission has reviewed and considered the information contained in the Final IS/MND and the administrative record, including all written and oral evidence presented to it, and finds, based on its independent review and analysis: (i) that the Final IS/MND was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence in the administrative record supporting a fair argument that the Project may have a significant effect on the environment. The Planning Commission further finds that the Final MND contains a complete, objective and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City. No new significant environmental impacts have been identified in the Final MND and any changes to the Final MND in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

B. The Planning Commission has also reviewed and considered the MMRP for the Project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such Program is designed to ensure compliance with the mitigation measures during Project implementation.

Section 3. Approval and Adoption of IS/MND. Pursuant to Public Resources Code section 21080, subdivision (c)(2), the Planning Commission approves and adopts the Final IS/MND prepared for the Project.

Section 4. Approval and Adoption of MMRP. Pursuant to Public Resources Code section 21081.6, the Planning Commission approves and adopts the MMRP, which was prepared for the Project and made a condition of Project approval, and is attached hereto as Exhibit B.

Section 5. Approval of Project. The Planning Commission approves the Project as described in the Final IS/MND.

Section 6. Notice of Determination. The Planning Commission directs staff to file a Notice of Determination with the Los Angeles County Clerk and the Office of Planning and Research within five (5) working days of approval of the Project.

Section 7. Custodian of Records. The custodian of records for the Final IS/MND, MMRP and all other materials which constitute the record of proceedings upon which the Planning

Commission's decision is based upon is the Community Development Department of the City of Lancaster. Those documents are available for public review in the Community Development Department of the City of Lancaster, located at 44933 Fern Avenue, telephone 661-723-6100.

Section 8. Tentative Tract Map Findings. The Planning Commission hereby adopts the following Tentative Tract Map 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 project is a residential subdivision that is consistent with the general plan land use designation of Urban Residential (UR) and with the policies, goals, objectives, and specific actions identified in the General Plan. The 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 project are consistent with the General Plan land use designation of UR and with the development standards identified in Sections 17.08.060 and 17.08.070 of the LMC with the exception of the corner lot width and depth standards. The Applicant is requesting approval of a variance for the two substandard lots. The project would be consistent with the design of neighboring residential development that has substandard lots. In addition, the project 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 development because adequate roadway capacity and infrastructure exists 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 improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. All environmental impacts to biological resources associated with the project would be less than significant with the incorporation of the identified mitigation measures and conditions of approval. Additionally, the Applicant would

be required to pay the City's biological impact fee, which is utilized to help conserve the biological resources found throughout the Antelope Valley.

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

The design and improvement of the subdivision are not likely to cause serious public health problems as adequate sewer, and water systems will be provided to the project. Additionally, all residences within the subdivision are required to have trash collection services in accordance with the City'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.

There are no known public easements or access across the subject property; therefore, the design of the subdivision will not conflict with public access. Any utility can be accommodated within the design of the 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 subdivision would have a beneficial effect on the housing needs of the region because an additional 15 dwelling units could be provided. The project would not adversely affect the economic health of the City as the infrastructure to support the project, such as roadways and utility lines, currently exist in the vicinity of the project site, and the maintenance of this infrastructure is already occurring.

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

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

Section 9. Variance Findings. The Planning Commission hereby adopts the following Variance findings, pursuant to Section 17.32.320 of the LMC:

- a. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and**

The surrounding tracts (Tract 45676, 43181, 24620) are zoned R-7,000 and were approved with substandard lot sizes, lot depth and lot width. The project is in the R-7,000 zone and a majority of the lots would meet the development standards. Due to the location of the subject site and the previously approved tracts within the vicinity, the project deprives the property of privileges enjoyed by the other property in the vicinity and under identical zoning classification.

- b. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and**

Properties south and west of the subject site have approved tracts with substandard lots. The approval of a variance would grant similar lot sizes as the nearby properties and therefore does not constitute special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

- c. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards; and**

The project would result in practical difficulties and unnecessary hardship because the required corner lot width would create expansive corner lots inconsistent with the existing neighboring tracts. The City's Housing Element encourages the development of housing to meet the Regional Housing Needs Assessment (RHNA). The RHNA is mandated by State housing law and quantifies the need for housing within each jurisdiction. The City's allocation is 9,023 units and the project would help meet the allocation. The project is consistent with the City's goals for additional housing to help meet the City's regional housing needs.

- d. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.**

The design and improvement of the subdivision are not likely to cause serious public health problems as adequate sewer, and water systems will be provided to the

project. Additionally, all residences within the subdivision are required to have trash collection services in accordance with the City's Waste Management franchise agreement.

Section 10. Tentative Tract Map and Variance Approval. The Planning Commission hereby approves Tentative Tract Map No. 69560 and Variance No. 23-001 subject to the conditions attached hereto and incorporated herein.

Section 11. Effective Date. This Resolution shall become effective immediately upon its adoption.

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

Section 13. Certification. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Section 14. Severability. 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
- C. Initial Study

Within 10 working days of the date of this decision by the Commission, an applicant or an interest 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.