

ADDENDUM

KERN COUNTY PLANNING DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: May 31, 2005

FILE: Appeal #1, Map #231-13
S.D.: #2 - Maben

TITLE: Appeal Case No. 1, Map No. 231-13

PROPOSAL: An appeal to the decision of the Hearing Officer to approve (a) A Precise Development Plan for 40 duplexes (Section 19.20.020.A) (Notice of Decision 20-05; approved February 24, 2005); (b) A Zone Modification to allow a front-yard setback of 50 feet, where 55 feet is required (Section 19.20.070.A.1), and a six-foot-high fence/wall within the front-yard setback, where four feet is the maximum height allowed (Section 19.08.210.B) (Notice of Decision 21-05; approved February 24, 2005), in an R-2 PD H FPS (Medium-density Residential - Precise Development Combining - Airport Approach Height Combining - Floodplain Secondary Combining) District

APPELLANT: Paul A. Rosales (original applicant - Crossings at Rosamond)

PROJECT SIZE: 7.5 acres

LOCATION:

South side of Stetson Avenue, approximately 1/4 mile west of 40th Street West, Rosamond

GENERAL PLAN DESIGNATION: 5.1/2.5 (Residential - Maximum 29 Units/Net Acre - Flood Hazard) (Rosamond Specific Plan)

SURROUNDING LAND USE/ZONING: North - Single-family residences/E (1/2) PD H (Estate - 1/2 acre - Precise Development Combining - Airport Approach Height Combining); East - Mobilehome park/A-1 H (Limited Agriculture - Airport Approach Height Combining); South - Vacant/C-1 PD FPS H (Neighborhood Commercial - Precise Development Combining - Floodplain Secondary Combining - Airport Approach Height Combining); West - Single-family residential tract/R-1 FPS H (Low-density Residential - Floodplain Secondary Combining - Airport Approach Height Combining)

PROJECT ANALYSIS: Your Board last considered this case on April 26, 2005, and continued it until today's agenda to allow the project proponent time to consider changes in site development related to: (a) street lighting; (b) the reorientation of three duplexes proposed to front on Stetson Avenue; and (c) providing additional on-site recreational area.

Subsequent to that hearing, the project proponent has verbally informed Staff that they have no objection to installing lighting to ensure traffic safety at the two project site entrances. The project proponent currently envisions an eight-foot-tall, lantern style, light pole that would be installed on each side of the driveway that intersects Stetson Avenue and Sedona Street. The project proponent has also faxed to Staff two enlarged details which demonstrate how the three duplexes can be reoriented away from Stetson Avenue while maintaining adherence to County setback requirements, in addition to providing an additional 6,900 square feet of playground area (see Exhibits A and B). Staff

notes that this latter provision would require that the developer eliminate one of the proposed duplexes.

The stated basis for filing the appeal was based upon:

- (1) Failure to require more common area, open space, and playground amenities for the development.
- (2) Failure to require the installation of additional street lighting along Stetson Avenue as part of the development approval.
- (3) Failure to require the preparation of a traffic study to address traffic impacts associated with the development.
- (4) Allowing the placement of three duplexes across the street and directly facing homes zoned E (1/2) (Estate - 1/2 acre).
- (5) Allowing the construction of a pool in lieu of other recreational amenities, in conjunction with the development proposal.

With the exception of Issue (3), it is Staff's belief that the changes now proposed by the project proponent adequately address the appellant's concerns. With regard to Issue (3), Staff would like to remind your Board that in reviewing the proposal neither Staff nor the Kern County Roads Department concluded that a traffic study was warranted for the project. This decision was predicated upon the determination that implementation of the request was not expected to result in additional traffic generation which would result in a change to the current level of service (LOS) for the Stetson Avenue/Sedona Street alignments. Additionally, the project site is subject to the collection of Traffic Impact Fees due to its siting within the Rosamond Specific Plan.

Based upon the foregoing evaluation, Staff recommends that your Board deny the appeal. Staff's recommendation for denial of the appeal, however, is contingent upon your Board incorporating the following new or revised conditions of approval. These conditions are proposed to ensure that the revisions made by the project developer, to address the concerns of area residents, are implemented and to substantiate the findings made by the Hearing Officer in approving the project.

Recommended conditions of approval for precise development plan are as follows:

- (2)(e) A comprehensive landscaping and maintenance irrigation plan shall be approved by the Planning Director in accordance with the requirements of Chapter 19.86 of the Zoning Ordinance. A minimum of 10 percent of the total developed area shall be landscaped and continuously maintained in good condition. The plan shall include provisions for landscaping the area between the project's northern masonry wall and Stetson Avenue and shall be developed in consultation with the Kern County Roads Department. Landscaping shall be installed or bonded for prior to occupancy of the building or site.
- (2)(f)(3) Reflect the elimination of the duplex immediately to the east of the recreation building/office facility shown on the approved plan and the usage of that land for on-site recreational purposes. Said recreational area shall be landscaped and maintained in good condition at all times but shall not count toward the 10 percent of the total developed area to be landscaped in accordance with Chapter 19.86 of the Zoning Ordinance.

- (2)(f)(4) The renumbering of the duplexes as 1 through 39 in lieu of 1 through 40.
- (2)(f)(5) Reflect the reorientation of duplexes 34 through 39 in an east-west manner and to be accessed via a shared internal driveway with two turnaround areas at the driveway's northerly terminus.
- (2)(f)(6) The construction of a masonry block wall along the northerly project boundary outside of the Stetson Avenue right-of-way.
- (3)(h) Parking lot or site illumination shall be directed away from adjoining properties and public roads. A light pole shall be installed on each side of the development's driveway that intersects with Stetson Avenue and Sedona Street. Said light poles shall be located outside of the road right-of-way unless authorized under an encroachment permit issued by the Kern County Roads Department. Light pole height and material design to be approved by the Director of the Kern County Planning Department prior to installation.
- (3)(k) A six-foot-high masonry wall shall be constructed and maintained in good condition at all times around the east, west, and southern boundaries of the project. Said wall shall be located outside of the Stetson Avenue right-of-way and shall be reduced to four feet in height at (a) a point to be determined in consultation with the Kern County Roads Department with regard to the intersection of the project driveway and within 55 feet of the centerline of Stetson Avenue; and (b) where shown in the approved plan within 55 feet of the centerline of Sedona Street. Said wall material and design shall be approved by the Director of the Kern County Planning Department prior to construction.

Recommended condition of approval for zone modification is as follows:

- (4) This modification authorizes a six-foot-high masonry wall within the front-yard setback of Stetson Avenue and a six-foot-high masonry wall and wooden fence within the front-yard setback of Sedona Street as shown on Precise Development Plan 2, Map 231-13.

PUBLIC INQUIRY OR CORRESPONDENCE: None at the time of writing

CEQA ACTION: Special Situation, Section 15182 and Categorically Exempt, Section 15305

RECOMMENDATION: Adopt resolution disapproving the appeal and upholding the decision of Hearing Officer

BASIS FOR DISAPPROVAL AND RECOMMENDED FINDINGS:

- (1) This Board, in denying the appeal and incorporating additional conditions, concurs with and upholds the findings made by the Hearing Officer (per Notices of Decision 20-05 and 21-05; approved February 24, 2005).

JEE:SFD:ma

Attachments

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EXHIBIT A

STETSON AVENUE



