

ORDINANCE NO. 963

AN ORDINANCE OF THE CITY OF LANCASTER,
CALIFORNIA, AMENDING THE CITY ZONING PLAN
FOR 20± ACRES AT THE NORTHWEST CORNER OF
40TH STREET EAST AND AVENUE K-8

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Sunlight Partners, to change the zoning designation on 20.00± acres of land located at the northwest corner of 40th Street East and Avenue K-8 from SRR (Semi-Rural Residential) to RR-2.5 (rural residential, one dwelling unit per 2.5 acres) known as Zone Change 10-03; and

WHEREAS, notice of intention to consider the zone change of the subject property was given as required in Section 17.24.110. of the Municipal Code and Section 65854 and 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended that the zone change request be approved; and

WHEREAS, a public hearing on the zone change request was held before the Planning Commission on March 21, 2011; and

WHEREAS, the Planning Commission reviewed and approved the Initial Study/Mitigated Negative Declaration prepared for the proposed project 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, the Planning Commission adopted the mitigation measures contained in Exhibit "A" of the Planning Commission Resolution No. 11-04; and

WHEREAS, the City Council hereby makes the following findings in support of the Ordinance:

1. The proposed Zone Change from SRR to RR-2.5 will be consistent with the existing General Plan land use designation of NU.
2. Modified conditions warrant a revision in the zoning for the subject property which would allow the development of a photovoltaic electric generating facility.
3. A need for the proposed zone classification of RR-2.5 exists within such area in order to allow for the development of a small scale solar energy development that can tie directly into the existing utility lines.

4. The particular property under consideration is a proper location for said zone classification within such area, because it is surrounded by similar semi-rural and rural zoning and is served by adequate public access and necessary services.
5. Placement of the proposed RR-2.5 residential zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, access, and electrical infrastructure exist to accommodate the proposed type of development, and the zoning designation will not result in the development of incompatible uses.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. That the subject property, as identified in the attached map, is reclassified from SRR to RR-2.5.

Section 2. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2011, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

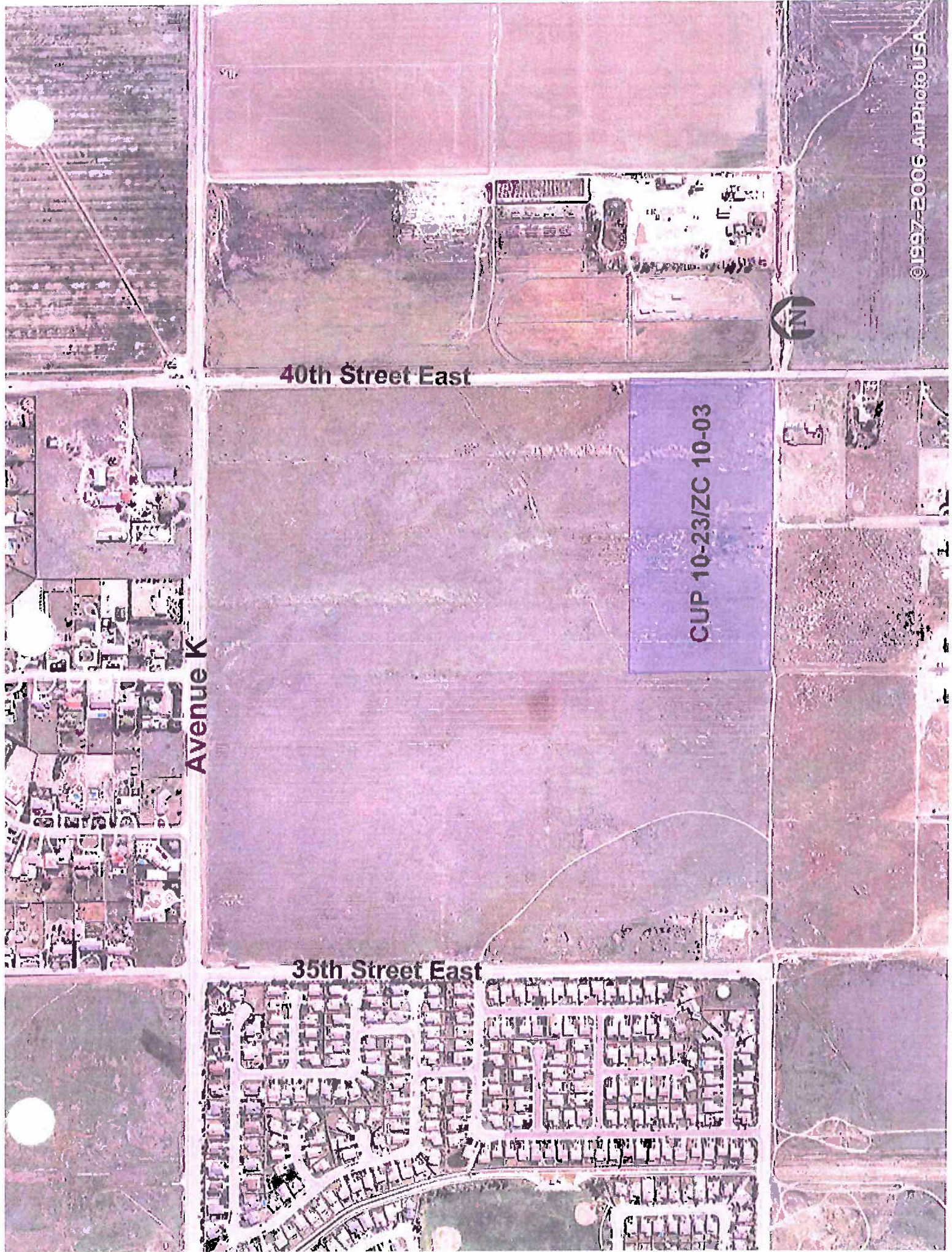
R. REX PARRIS
Mayor
City of Lancaster

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 963 , for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of the _____, _____.

(seal)



40th Street East

Avenue K

CUP 10-23/ZC 10-03

35th Street East

PLANNING COMMISSION ACTION:

APPROVED (6-0-0-1) (ABSENT: Vose)

AGENDA ITEM: 2.

DATE: 03-21-11

STAFF REPORT

**ZONE CHANGE NO. 10-03 AND
CONDITIONAL USE PERMIT NO. 10-23**

DATE: March 21, 2011

TO: Lancaster Planning Commission

FROM: Planning Department *BZ*

APPLICANT: Sunlight Partners

LOCATION: 20± gross acres at the northwest corner of 40th Street East and Avenue K-8

REQUEST:

1. Rezoning of property from SRR (Semi-Rural Residential) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres)
2. Construction of a 1.5 MW photovoltaic solar electric generating facility in the Rural Residential 2.5 (RR-2.5) Zone

RECOMMENDATION:

1. Adopt Resolution No. 11-03 recommending to the City Council approval of Zone Change No. 10-03.
2. Adopt Resolution No. 11-04 approving Conditional Use Permit No. 10-23. The approval of CUP No. 10-23 is not valid until the effective date of Zone Change No. 10-03.

BACKGROUND: On February 28, 2011, the Planning Commission continued the hearing on Zone Change No. 10-03 and Conditional Use Permit No. 10-23, to the March 21, 2011, Planning Commission meeting, to allow the applicant time to work with the Engineering Department on the road improvement conditions.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The existing General Plan designation and the existing and proposed zoning for the subject location are as follows. The project site is currently vacant.

	<u>GENERAL PLAN</u>	<u>ZONING</u>
EXISTING	NU	SRR
PROPOSED	NU	RR-2.5

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	NU	SRR	Vacant
EAST	NU	RR-2.5	Agricultural/Ranching Operations
SOUTH	NU	RR-1	Single Family Residences
WEST	NU	SRR	Vacant

PUBLIC IMPROVEMENTS: The site is bounded to the east by 40th Street East, and to the south by Avenue K-8. Avenue K-8 is unimproved and 40th Street East is improved, with one travel lane in each direction. No roadways are located to the north or west of the site.

ENVIRONMENTAL REVIEW: Review of pertinent environmental documents has disclosed no significant adverse impacts from the proposed project 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# 2010121034) for public review. This 30-day public review period ended on January 10, 2011. 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 1,500-foot radius of the project, posted in three places, posted on the subject property, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, Sunlight Partners, is requesting a conditional use permit for the construction and operation of a photovoltaic (PV) solar electric energy generating facility in the Rural Residential Zone. The proposed project consists of rows of PV panels on single axis trackers which would generate approximately 1.5 megawatts (MW) of electricity. According to Section 17.080.70.DD of the Lancaster Municipal Code, a conditional use permit is required for the construction and operation of a solar plant in the Rural Residential Zone.

The City of Lancaster has determined that the development and use of alternative energy is beneficial to the community, and this determination is evident in the decisions made by the City Council. The City Council has implemented several solar and wind energy programs/ordinances, is

working to install solar panels on City facilities and has moved to become a provider of solar generated electricity to local school districts. Additionally, the City's General Plan has several objectives/policies pertaining to alternative energy. These objectives/policies address the need to develop new sources of energy, as well as reduce energy consumption. The proposed project is consistent with the City's goals as addressed in Policy 3.6.6, "Consider and promote the use of alternative energy such as wind energy and solar energy" and Specific Action 3.6.6(a), "Work with utility companies and private enterprises in their efforts to incorporate alternative energy resources including...solar energy".

The project site is currently vacant and zoned SRR. However, the City's zoning code does not permit the development of commercial-style solar energy facilities under the current SRR zoning; therefore, rezoning of the site to RR-2.5 is necessary to allow the project to move forward.

The proposed project would operate year-round, producing a total of 1.5 MW of renewable electric power during daytime hours. Power generated by the proposed project would be sold to Southern California Edison. The proposed project consists of rows of photovoltaic panels on single axis trackers with three inverters in the middle of the project site. These photovoltaic panels would convert sunlight directly into electrical energy without the use of heat transfer fluid or cooling water. The project would tie into the transmission lines that run along 40th Street East. A chain-link fence would surround the project site and a 10-foot landscaped planter would be provided between the fence and property line to screen the development from the surrounding uses. Access to the project site would be provided via a gate on 40th Street East.

Irrevocable offers of dedication would be provided for both Avenue K-8 and 37th Street East. Avenue K-8 would be dedicated at 42 feet from the centerline, and 37th Street East would be dedicated at 32 feet from the centerline.

The proposed project has the potential to impact views from the surrounding roads and nearby residences. The photovoltaic panels are low profile with a maximum height of approximately eight (8) feet. While the views of the project site would change, the development would not impede long-range views. Additionally, the project site would be fenced and landscaped around the entire perimeter.

Construction of the proposed project would generate noise, which has the potential to impact surrounding land uses. Mitigation measures are required which would reduce noise impacts to a less than significant level. Minimal amounts of noise would be generated by the operation of the proposed project and only during routine maintenance as the panels and tracking system are silent. Most of the time the facility would be remotely operated and no noise would be generated.

Additional environmental impacts could be generated during construction of the proposed project with respect to biological resources and geology/soils. The construction of the proposed project has the potential to impact burrowing owls during vegetation removal and grading operations. The applicant is required to conduct a pre-construction burrowing owl survey prior to the issuance of any permits. In the event burrowing owls are encountered on the project site during the survey, the applicant shall coordinate with the California Department of Fish and Game to determine the appropriate procedures/mitigation. Therefore, potential impacts would be less than significant. The

PC Staff Report
Zone Change No. 10-03 and Conditional Use Permit No. 10-23
March 21, 2011
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applicant is also required to prepare and implement a dust control plan in accordance with AVAQMD Rule 403 which would ensure that impacts from dust during construction are minimal.

Therefore, staff is recommending that the Commission approve the zone change and conditional use permit subject to the proposed conditions, based on the site having sufficient area to accommodate the proposed development, adequate access and services being available for the use, and the lack of significant adverse effects on the surrounding area.

Respectfully submitted,



Jocelyn Swain, Associate Planner - Environmental

cc: Applicant
Engineer

RESOLUTION NO. 11-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE ADOPTED ZONING PLAN FOR THE CITY, KNOWN AS ZONE CHANGE NO. 10-03

WHEREAS, pursuant to Section 17.24.040. of the Lancaster Municipal Code the applicant has requested the Planning Commission to consider a change to the zoning designation on the subject property from SRR (Semi-Rural Residential) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres); and

WHEREAS, notice of intention to consider the zone change of the subject property was given as required in Section 17.24.110 of the Zoning Ordinance and Section 65854 and 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended that the zone change request be approved; and

WHEREAS, a public notice was provided as required by law and a public hearing on the zone change request was held on March 21, 2011; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Mitigated Negative Declaration prepared for the proposed project 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 finds, pursuant to Section 21082.1 of the Public Resource 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 determine 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 mitigation measures as detailed in Exhibit "A"; and

WHEREAS, this Commission, based on the evidence contained in the record, hereby makes the following findings in support of the approval of Zone Change No. 10-03, and recommends that the City Council adopt them:

1. The proposed Zone Change from SRR to RR-2.5 will be consistent with the existing General Plan land use designation of NU.
2. Modified conditions warrant a revision in the zoning for the subject property which would allow the development of a photovoltaic electric generating facility.

3. A need for the proposed zone classification of RR-2.5 exists within such area in order to allow for the development of a small scale solar energy development that can tie directly into existing utility lines.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is surrounded by similar semi-rural and rural zoning and is served by adequate public access and necessary services.
5. Placement of the proposed RR-2.5 residential zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, access, and electrical infrastructure exist to accommodate the proposed type of development, and the zoning designation will not result in the development of incompatible uses.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby recommends to the City Council approval of Zone Change No. 10-03 through the adoption of the attached ordinance to rezone the subject property from SRR to RR-2.5.

PASSED, APPROVED and ADOPTED this 21st day of March 2011, by the following vote:

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Terracciano, and Vice Chairman Jacobs.

NOES: None.

ABSTAIN: None.

ABSENT: Chairman Vose.



DAN JACOBS, Vice Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

RESOLUTION NO. 11-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-23

WHEREAS, a conditional use permit has been requested by Sunlight Partners, to allow construction of a 1.5 MW photovoltaic solar electric generating facility in the Rural Residential 2.5 Zone; 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 and Chapter 17.42 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, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Mitigated Negative Declaration prepared for the proposed project 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 finds, pursuant to Section 21082.1 of the Public Resource 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 project 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, public notice was provided as required by law and a public hearing was held on March 21, 2011; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

1. The proposed use would be located on 20± acres at the northwest corner of 40th Street East and Avenue K-8 and will be in conformance with the General Plan land use designation of Non-Urban Residential.
2. The proposed project is 1.5-megawatt photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."

3. The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
 - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and adequate parking is provided. The proposed panels are a maximum height of 8 feet, which are under the maximum height regulations of the Rural Residential zones and are designed with adequate setbacks from the adjacent street.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because adequate sewer, water, drainage, and improvements will be part of the project.
4. The the proposed use will not adversely affect nearby residents because the proposed use would be screened by landscaping, the maximum height of the panels are 8 feet, the panels and trackers are not noise generators, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.
6. The proposed site is adequately served:
 - a. By 40th Street East which is of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
 - b. By other public and private service facilities, including sewer, water, fire, and police services as required.
7. The proposed use will not result in a significant effect on the environment because all potential impacts have been found to be less than significant with the inclusion of mitigation measures are noted in the environmental review section of the staff report prepared for this project.

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 Conditional Use Permit could have a significant effect on the environment, there will not be a significant effect on the environment after mitigation measures have been applied to the project.
2. This Commission hereby adopts the Mitigation Monitoring Program, Exhibit "A".
3. This Commission hereby approves Conditional Use Permit No. 10-23, subject to the conditions attached hereto and incorporated herein.


PASSED, APPROVED and ADOPTED this 21th day of March 2011, by the following vote:

AYES: Commissioners Elihu, Hall, Harvey, Malhi, Terracciano, and Vice Chairman Jacobs.

NOES: None.

ABSTAIN: None.

ABSENT: Chairman Vose.



DAN JACOBS, Vice Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

ATTACHMENT TO PC RESOLUTION NO. 11-04
CONDITIONAL USE PERMIT NO. 10-23
CONDITIONS LIST
March 21, 2011

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 13, 14 17-19, 22, 24, 27, 30, 40 (modified by Condition No. 2) 42, and 47, 48, and 49.
2. The approval of Conditional Use Permit 10-23 does not become valid until the effective date of Zone Change 10-03, and will not be effective until the applicant has executed and returned to the Planning Department an authorized acceptance of the conditions of approval applicable to said permit. (Modification of Standard Condition No. 40.)
3. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies and the direct reporting of purchases of over \$500,000.
4. Per the direction of the Planning Director, no unscreened outdoor storage of any kind would be allowed on the site.
5. Per the direction of the Planning Director, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
6. The applicant shall provide restroom facilities for use by maintenance staff.

ADDITIONAL CONDITIONS

7. Per the direction of the Director of Public Works, grant an irrevocable offer of dedication for the following streets:
 - Avenue K-8 at 42 feet from centerline
 - 37th Street East at 32 feet from centerline
8. Per the direction of the Planning Director, the applicant shall install landscaping along the perimeter of the project site for screening purposes.
9. Per the direction of the Director of Public Works, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.

MITIGATION MEASURES

10. A pre-construction burrowing owl survey shall be conducted within 30 days prior to the start of construction/ground disturbing activities. If burrowing owls or sign thereof are discovered during the survey, the applicant shall contact the Department of Fish and Game to determine the appropriate mitigation/management requirements for the species.
11. Construction operations shall not occur between 8 p.m. and 7 a.m. on weekdays or Saturday or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.
12. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.
13. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.
14. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.
15. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
16. No project-related public address or music system shall be audible at any adjacent receptor.
17. All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package equipment" (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.

RESOLUTION NO. 10-23

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LANCASTER, CALIFORNIA, ADOPTING
CERTAIN STANDARDIZED CONDITIONS OF APPROVAL
FOR CONDITIONAL USE PERMITS**

WHEREAS, the Planning Department staff presented to the Planning Commission a list of forty-nine (49) conditions which are applied to Conditional Use Permits when they are approved by said Commission; and

WHEREAS, the staff explained to the Commission that since these are standard conditions for almost all use permits, it might be more appropriate to adopt them by resolution for reference purposes as it would save staff time in preparing the reports and Commission time in hearing said reports; and

WHEREAS, it was further explained by staff that adoption of these standard conditions and incorporating by reference would be a more efficient and consistent approach to applying said conditions to the use permits approved by the Commission; and

WHEREAS, after discussion, it was the consensus of the Commission that it would be in the best interest of all concerned that the above-mentioned conditions of approval be adopted by resolution and referred to by resolution number for all Conditional Use Permits;

**NOW, THEREFORE THE LANCASTER PLANNING COMMISSION DOES HEREBY
RESOLVE, DETERMINE, AND FIND AS FOLLOWS:**

The Planning Commission hereby establishes the following conditions of approval as standard conditions to be used by reference in conjunction with all Conditional Use Permit approvals.

1. Unless otherwise indicated herein, the development of the site shall be in substantial conformance with approved site plans on file in the Planning Department.
2. This Conditional Use Permit must be used within two (2) years from the date of approval; the Conditional Use Permit will expire. The applicant may, not less than sixty (60) days prior to the expiration date, request a total of three one-(1)-year extensions in writing to the Planning Director. Modifications to the plan, including timing of on and off site improvements that do not raise significant new issues or extend the overall time frame beyond the approval period may be approved by the Planning Director

NOTE: Issuance of building permits, installation of off-site improvements, and grading of the site do not constitute "use" of the conditional use permit. Under the Zoning Ordinance, construction or other development authorized by the conditional use permit must have commenced. Generally, the City requires that the slab of a major building in the project be poured and inspected in order to consider the permit used, although the circumstances of each case may vary depending on the land use involved.

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. 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.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
 - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
 - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
 - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
 - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety 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

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. 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. 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.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

17. If determined necessary by the Director of Public Works, testing of the existing pavement section is to be performed prior to submitting street plans for plan checking. The minimum allowable structural section will be per the City requirement or the soil test recommendation whichever is greater based on the City's Traffic Index for the street. Removal and reconstruction of the street centerline may be necessary to meet the required structural section.
18. Street grades shall meet the specifications of the Department of Public Works.
19. Per the direction of the Director of Public Works, the asphalt surface course for all arterial streets shall be constructed with rubber modified asphalt. The type of rubber modified asphalt shall be as specified by the City and shall be determined in final design.
20. Per the direction of the Director of Public Works, a Dust Control Plan shall be prepared and submitted to the Antelope Valley Air Quality Management District (AVAQMD) in accordance with Rule 403 of the AVAQMD. An approved copy of the Dust Control Plan shall be submitted to Public Works prior to issuance of a grading permit within the City for commercial/industrial projects of 5 acres or larger. In lieu of an approved plan, a letter waiving this requirement shall be submitted.
21. Prior to grading, the applicant shall provide a contact name and valid phone number where someone is available 24-hours, 7 days a week to report the blowing of dust or debris from the site.
22. Per the direction of the Director of Public Works, the Developer shall install a conduit pull rope, and pull boxes along regional, primary, and secondary arterials to the nearest arterial intersection to be used for future Traffic Signal Communication Interconnect. The interconnect system shall be installed in accordance with the specifications approved by the Traffic Section.
23. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
24. Per the direction of the Director of Public Works, install a clarifier or other BMP to treat first flush.
25. Per the direction of the Director of Public Works, if the project is located in Flood Zone AO (1), elevate the building one-foot above the highest adjacent grade.
26. Mitigate onsite nuisance water and developmental storm water runoff to the satisfaction of the Director of Public Works.
27. Box culverts or other structures acceptable to the Director of Public Works are required at all intersections with arterial streets to eliminate nuisance water from crossing the streets above ground. (No cross gutters allowed).

28. Prior to occupancy, the property shall be annexed into the Lancaster Lighting Maintenance District.
29. Prior to occupancy, the property shall be annexed into the Lancaster Drainage Maintenance District.
30. Street lights are required per adopted City ordinance or policy.
31. The applicant is hereby advised that the use of any signs, strings or pennants, banners or streamers, clusters of flags and similar attention-getting devices are prohibited, except where there has been prior approval from the Planning Department.
32. If any provision of this permit is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
33. It is further declared and made a condition of this permit that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the permit shall be suspended and the privileges granted hereunder shall lapse provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
34. Prior to occupancy of any buildings or structures, the permittee shall request, not less than forty-eight (48) hours in advance, that on-site inspection be made by the Planning Department to verify that development of the property has occurred in conformity with conditions as enumerated in this permit.
35. Landscape materials, once approved, shall be maintained in perpetuity.
36. If the project is developed in phases, undeveloped portions of the site shall not contribute to blowing debris, dirt or dust.
37. If the project is developed in phases, all the development requirements shall be met for each phase including parking, landscaping, trash enclosures, drainage, etc.
38. The applicant shall be responsible for notifying the Planning Department in writing of any change in ownership, designation of a new engineer, or a change in the status of the developer, within thirty (30) days of said change.
39. The Planning Director shall execute the necessary documents to ensure the recording of this permit with the County Recorder's Office.
40. This conditional use permit will not be effective until ten (10) working days after the date upon which it is granted by the Planning Commission and until the applicant has executed and returned to the Planning Department an authorized acceptance of the conditions of approval applicable to said permit.

41. Expansion or intensification of the use beyond the approval specified herein would require subsequent review and possible application for amendment. The Planning Director is authorized to approve modifications to the site plan provided such modifications do not substantially change the intent of the approved use, avoid issues raised at the public meeting, or raise new issues not previously addressed.
42. Pursuant to Section 65089.6. of the Government Code, the project will be subject to the Congestion Management Plan (CMP) mitigation requirements, including mitigation fees.

ENVIRONMENTAL

43. Per the direction of the Planning Director, a Phase I Cultural Resource Study is required for any off-site area which will be disturbed by the development, such as staging areas and turn-arounds not covered by the Cultural Resource Study, or all work shall be conducted on the site by installation of a fence to determine limits of development.
44. Pursuant to Section 21089(b) of the Public Resource Code, approval of this Conditional Use Permit will not be valid, and no development right shall be vested, until such times the required fees, as set forth under Section 711.4 of the Fish and Game Code, have been paid. Said fees, in the form of a check made payable to the County of Los Angeles Clerk's Office shall be submitted to the Planning Department within three (3) days of the Commission's action.
45. The applicant shall, prior to or concurrent with the approval of a grading permit, pay a fee to the City of Lancaster in the sum of \$770.00 per gross acre, to be held in the biological mitigation fund as established by the City Council. Additionally, should the applicant be required to pay mitigation fees under the California Department of Fish and Game, these fees can be deducted from the amount collected by the City of Lancaster.
46. The project shall comply with all mitigation measures adopted in the mitigation monitoring program.

ALCOHOL CONDITIONS

47. Per the direction of the Planning Director, the applicant shall comply with Chapter 17.42 (Alcoholic Beverage Establishments).
48. On-site security shall be provided if determine necessary by the Planning Director.
49. The conditional use permit shall be subject to an annual review by the Planning Commission should on-site operations or effects on adjacent uses warrant such review.

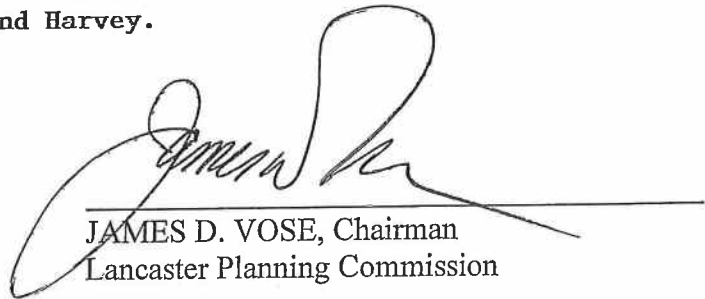
PASSED, APPROVED AND ADOPTED this 17th day of May, 2010, by the following vote:

AYES: **Commissioners Haycock, Jacobs and Malhi, Vice Chair Smith, and
Chairman Vose.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster