

RESOLUTION NO. 12-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADDENDUM, ADOPTING NECESSARY ENVIRONMENTAL FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING PROGRAM, AND APPROVING AN AMENDMENT TO THE ADOPTED GENERAL PLAN OF THE CITY, KNOWN AS GENERAL PLAN AMENDMENT NO. 06-04

WHEREAS, pursuant to Section 3.c of City Council Resolution No. 93-07 an amendment to the adopted General Plan of the City has been initiated by Lancaster West 60th LLC to re-designate a total of 40± acres from UR (Urban Residential) to C (Commercial); and

WHEREAS, notice of intention to consider the General Plan amendment 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 General Plan amendment request be approved; and

WHEREAS, a public notice was provided as required by law and a public hearing on the General Plan amendment and zone change requests was held before the Planning Commission on July 7, 2009, and recessed to July 8, 2009; and the City Council on July 21, 2009 and adjourned to July 22, 2009; and

WHEREAS, the City Council previously considered and approved Resolution No. 09-19 Certifying the Final Environmental Impact Report, Adopting Necessary Environmental Findings, Adopting a Statement of Overriding Considerations, Adopting the Mitigation Monitoring Program, and Approving an Amendment to the Adopted General Plan of the City, Known as General Plan Amendment No. 06-04 on July 22, 2009, which approval was challenged in Los Angeles Superior Court Case No. BS 122336 (Appellate Case No. B227957) (the “Action”). As part of the Action, the Court of Appeal considered the adequacy of the Final Environmental Impact Report (“EIR”) certified by Resolution No. 09-19 and found that on the sole issue of the consideration of the Reduced Commercial Density Alternative, the City failed to provide sufficient evidence that the Reduced Commercial Density Alternative was not economically viable. The Court of Appeal did not, however, order the rescission of Resolution No. 09-19 or any other project approvals; and

WHEREAS, a public notice was provided as required by law and a public hearing on the General Plan amendment and zone change requests was held before the City Council on December 11, 2012; and

WHEREAS, the Planning Commission has recommended approval of the General Plan Amendment; and

WHEREAS, this Council certifies pursuant to Section 15090(a)(1) of the California Environmental Quality Act (CEQA) Guidelines, that the Final EIR and Addendum prepared for this proposed project has been completed in compliance with CEQA as described in Exhibit "A" of this resolution; and

WHEREAS, this Council certifies, pursuant to Section 15090(a)(2) of the State CEQA Guidelines, that the Final EIR and Addendum was presented to Council, and that Council reviewed and considered the information in the Final EIR and Addendum prior to making a decision on the project; and

WHEREAS, pursuant to Section 15090(a)(3) of the State CEQA Guidelines, this Council certifies that the Final EIR and Addendum reflects the City's independent judgment and analysis; and

WHEREAS, this Council based on evidence in the record, hereby re-adopts the following findings in support of approval of General Plan Amendment No. 06-04, which findings are supported by, and based upon the approvals, findings and considerations upheld by the Court of Appeal in the Action:

1. There is a need for the proposed land use designation of C (Commercial) because the commercial designation would provide goods and services to the surrounding residential and, over the long-term, act as a regional commercial location for the western portion of the City.
2. The proposed designation of C will be compatible with the existing land use designation of UR surrounding the project site through the application of development standards, lighting standards, landscaping and masonry walls.
3. The proposed amendment is consistent with and implements Goal 19 of the General Plan "to achieve an attractive and unique image for the community by creating a sustainable, cohesive and enduring built environment."
4. The proposed amendment is consistent with the following policies and objectives of the General Plan for the reasons stated below:

Policy 16.1.3: "Promote economic self-sufficiency through the application of programs and efforts that help to revitalize local commerce and create a sustainable and prosperous marketplace."

Objective 16.3: “Foster development patterns and growth which contributes to, rather than detract from, net fiscal gains to the City.” The project would add to the inventory of buildable commercial lands, and would have the potential to generate revenue for the City.

Policy 17.1.3: “Provide a hierarchical pattern of attractive commercial developments which serve regional, community, and neighborhood functions with maximum efficiency and accessibility.” The commercial development is designed to provide valuable retail space in an underserved locale both on a local and regional level within the western areas of the City. The site is located on a regional arterial street that will allow for adequate accessibility. The building design will be compatible with the developing character of the area in its design and materials.

5. The proposed amendment would allow for the development of commercial uses where sufficient street access, public services, and utilizes are available, or can be made available, and would not impede the provision of a diversity of housing types within the City because a sufficient inventory of single family residential land would still exist within the City if this site is redesignated to commercial.
6. There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment, because the addition of 40± gross acres of Commercial land would allow for the opportunity of a range of goods and services to be provided for residents in the immediate vicinity.
7. The proposed amendment would not adversely affect the economic health of the City, because any future development on the site would be subject to the requirements of the City’s impact fees and permit requirements, and the site is in an area where all necessary services exist or can be readily provided.
8. The proposed site could be adequately served by necessary services and utilities, including police, fire, electricity, water, sewer, gas, and telephone that already exist in the area, provided that necessary connection and impact fees are paid, based on the standards contained within Objective 15.1 of the General Plan and previous responses from affected service agencies.
9. The proposed amendment will have adverse effects on traffic and circulation systems as noted in the Final Environmental Impact Report and as discussed in Exhibit “A”. Mitigation measures exist to reduce this impact in many cases to less than significant; however, remaining significant effects are considered acceptable due to overriding considerations as noted in Exhibit “A”.

10. The proposed amendment is in the public interest because the proposed land use designation is compatible with the existing residential uses to the north and east or can be adequately buffered by landscaping and block walls from adjacent existing uses to the west; the proposed development allowed under the Commercial designation can be adequately served by streets, utilities, and public services in the area; and, the proposed land use designation would not adversely affect the regional water supply or the City's economic health.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council re-certifies the Final Environmental Impact Report (SCH# 2007061059) and certifies the Addendum prepared for GPA 06-04 as stated in this Resolution.
2. The City Council re-adopts all environmental findings and the statement of overriding considerations as contained in Exhibit "A"; and the mitigation measures attached hereto as Exhibit "B".
3. The City Council hereby re-approves General Plan Amendment No. 06-04 to redesignate the subject property from UR (Urban Residential) to C (Commercial).

PASSED, APPROVED and ADOPTED this _____ day of _____, 2012,
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

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____, City
of Lancaster, California, do hereby certify that this is a true and correct copy of the original
Resolution No. 12-72, 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 _____, _____.

(seal)

EXHIBIT “A”

***FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR
THE COMMONS AT QUARTZ HILL
(GENERAL PLAN AMENDMENT NO. 06-04; ZONE CHANGE NO. 06-04,
CONDITIONAL USE PERMIT NO. 06-09, AND TENTATIVE PARCEL MAP NO. 68150)
ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NUMBER 2007061059***

1. INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines, 14 Cal. Code of Regs. Section 15091 requires that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Having received, reviewed and considered the Final Environmental Impact Report for The Commons at Quartz Hill, dated June 2009 (“FEIR”), which includes but is not limited to the Draft Environmental Impact Report (“DEIR”), Responses to Comments on the DEIR, the Addendum to the FEIR, and all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (“Findings”) are hereby adopted by the City of Lancaster (“City”) in its capacity as the CEQA Lead Agency. These Findings set forth the City’s environmental basis for approval of General Plan Amendment No. 06-04, Zone Change No. 06-04, Conditional Use Permit No. 06-09, and Tentative Parcel Map No. 68150 (“proposed project”).

A. Format

These Findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the project and overview of the discretionary actions required for approval of the project, and a statement of the project’s objectives.
- (3) Section 3 provides a summary of the environmental review conducted in accordance with CEQA and the CEQA Guidelines by the City for the project and a summary of public participation in the environmental review for the project.
- (4) Section 4 sets forth findings regarding those environmental impacts which were determined as a result of the Notice of Preparation (NOP) and consideration of comments received during the NOP comment period either not to be relevant to the project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the FEIR which the City has determined are either not significant or can feasibly be mitigated to a less

than significant level through the imposition of mitigation measures. In order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the FEIR which will or which may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.

- (6) Section 6 sets forth findings regarding alternatives to the proposed project.
- (7) Section 7 consists of a Statement of Overriding Considerations which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the project outweigh the project's potential unavoidable environmental effects.

B. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of Lancaster, Planning Department, 44933 Fern Avenue, Lancaster, California 93534. The City Planning Department is the custodian of the administrative record for the project.

2. PROJECT SUMMARY

A. Discretionary Actions

These Findings set forth the environmental basis for current discretionary actions to be undertaken by the City for the approval of the project. These actions include approval of General Plan Amendment No. 06-04, Zone Change No. 06-04, Conditional Use Permit No. 06-09, and Tentative Parcel Map No. 68150.

B. Project Location

The project site is located in the City of Lancaster, at the northwest corner of 60th Street West and Avenue L. The project site is bound by Avenue L to the south, 60th Street West to the east, an undeveloped lot to the west and undeveloped land followed by residential development to the north. The project site is approximately 4.5 miles west of the Antelope Valley Freeway. The project site is currently vacant and undeveloped.

C. Project Description

The proposed project would redesignate and rezone the property and develop a commercial shopping center on the project site. The City of Lancaster General Plan designates the project site as Urban Residential (UR) and the zoning code designates the project site as R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) and R-10,000 (Single Family Residential, minimum lot size 10,000 square feet). The project site is currently undeveloped.

The proposed project would include a general plan amendment and zone change to redesignate the project site from UR to Commercial (C) and rezone the project site from R-7,000 and R-10,000 to Commercial Planned Development (CPD). The project site is approximately 40 acres. Development on the project site would include approximately 344,752 square feet of commercial retail and restaurant facilities. The two anchor tenants would be located on the west side of the project site, with loading docks located in the back of each building. The inline retail structure and anchors would be oriented toward 60th Street West, pad buildings along the perimeter of the project site would front 60th Street West and wrap the corner to Avenue L, surface parking would be provided at the interior of the site. The only known tenant at this time for the project is a Walmart Supercenter.

Development on the project site would include approximately 1,728 parking spaces and access to the development would be provided via both 60th Street West and Avenue L. The project site would include three driveway entrances along Avenue L and three driveways along 60th Street West. In addition, a proposed roadway, Avenue K-12 to the north, would provide additional access with two driveways. No demolition would occur as the project site is currently undeveloped.

The proposed Walmart Supercenter would consist of all appurtenant structures and facilities and would offer general retail merchandise and groceries, including, without limitation, alcohol for off-site consumption, pool chemicals, petroleum products, pesticides, paint products, and ammunition. The proposed Walmart Supercenter store may include a pharmacy, a vision care center, a food service center, a photo studio, a photo finishing center, a banking center, an arcade, a garden center, outdoor sale facilities, outside container storage facilities, and rooftop proprietary satellite communication facilities. The proposed Walmart Supercenter would operate 24 hours a day.

D. Project Objectives

The following objectives have been established for the proposed project:

- To create development on the currently underutilized project site to provide commercial retail facilities to serve the local community;
- To generate significant sales tax revenues to benefit the general fund;
- To provide a well-designed development that is compatible and complementary with surrounding land uses;
- To provide a development that is financially viable;
- To generate employment opportunities for the local area;
- To mitigate, to the extent feasible, the potential environmental impacts of the proposed project; and

- To provide adequate parking facilities to serve the proposed development customers and employees.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The environmental review process for the proposed project is summarized as follows.

On June 4, 2007, the City issued a Notice of Preparation (“NOP”) for the proposed project in accordance with the requirements of CEQA and the CEQA Guidelines; publication of the Notice of Preparation occurred in the Antelope Valley Press on June 8, 2007 and June 10, 2007. However, an error was discovered on the NOP and it was therefore republished on June 14, 2007. The NOP was circulated for a period of thirty (30) days, and scoping meetings were held on June 14, 2007 and June 19, 2007, at Quartz Hill High School to solicit comments on the proposed project. The NOP comment period ended on July 17, 2007. The NOP was filed with the State Clearinghouse on June 4, 2007 and the revised NOP was filed on June 14, 2007. The NOP is included in the DEIR as Appendix A. The responses to the NOP are included in Appendix B.

The DEIR was made available and distributed to agencies, interested organizations, and individuals by the City for public review on January 9, 2009. A forty-five day comment period was provided from January 9, 2009 to February 23, 2009. A public hearing was held before the Planning Commission on February 18, 2009, during which opportunity was provided to give oral and written comments on the DEIR. Comments received during the public review period for the DEIR were responded to in the Responses to Comments which was included in the FEIR, dated June 2009. The FEIR was distributed to agencies submitting comments on June 25, 2009.

The following documents comprise the FEIR for the project:

- Draft Environmental Impact Report for The Commons at Quartz Hill, dated January 2009 including applicable revisions;
- Comments received on the DEIR and responses to those comments, published in the FEIR, dated June 2009;
- Addendum to the Environmental Impact Report, The Commons at Quartz Hill, Lancaster, CA, dated October 2012;
- All analysis, attachments, incorporated documents, and references to the documents identified and referenced in the DEIR and FEIR, and submitted to the City as part of the EIR process.

The City Planning Commission considered the FEIR and the project at its hearing on July 7 and July 8, 2009 for approval of the conditional use permit and to make a recommendation to the City Council on the certification of the FEIR and the general plan amendment and zone change. The City Council considered the FEIR and the project at its hearing on July 21 and July 22, 2009. The City Council will consider the FEIR, Addendum, and the project at its hearing on December 11, 2012.

4. ENVIRONMENTAL EFFECTS WHICH WERE DETERMINED TO NOT BE POTENTIALLY AFFECTED BY THE PROJECT

As a result of the NOP circulated by the City beginning on June 4, 2007, the City determined, based upon the threshold criteria for significance, that the proposed project would have no impact on the following potential environmental effects, and therefore, determined that these potential environmental effects would not be addressed in the DEIR. Based upon the environmental analysis presented in the Final EIR, and the comments received from the public on the DEIR, no substantial evidence has been submitted to or identified by the City which indicates that the proposed project would have an impact on the following environmental issues, and therefore no additional analysis beyond what was provided.

1. Geology and Soils: The following issues were not analyzed in the Draft EIR for the reasons identified below.
 - **Landslides**: The topography of the project site and surrounding area is generally flat. Therefore, no impact with respect to landslides would occur for the proposed project, and no further analysis of this issue is required.
 - **Septic Tanks**: The proposed project site does not propose the use of septic tanks or alternative disposal systems. Therefore, no impact would occur with implementation of the proposed project and no further analysis of this is required.

2. Hazards and Hazardous Materials: The following issues were not analyzed in the Draft EIR for the reasons identified below.
 - **Airport Safety Hazards**: No airport exists within two miles of the project site. In addition, the project site is not located within any Airport Land Use Plan and is not subject to land use regulations within any such plan. Thus, no impact would occur. No private airstrips are located in the vicinity of the project site. No impact would occur with regard to private airstrips.
 - **Wildlife Fire Risks**: A significant impact may occur if a project is located in proximity to wildland areas and poses a potential fire hazard, which could affect persons or structures in the area in the event of a fire. The project site is currently vacant and undeveloped, located in an area surrounded by residential and institutional development. As shown in the Draft EIR on Figure IV.A-1, the project site is located in an area of the City of Lancaster with little or no threat of wildland fire. Therefore, the proposed would not expose people or structures to a greater than average risk of loss, injury or death involving wildland fires and no impact would occur.

3. Hydrology and Water Quality: The following issues were not analyzed in the Draft EIR for the reasons identified below.

- Seiche, Tsunami, or Mudflow: The City of Lancaster is not located near a large body of water such as lake or ocean in which in seiche or tsunami would occur. Thus, no impact would occur as a result of a seiche or tsunami from any body of water. In addition, as the project is not located near any hills or slopes, there is no risk of the site being affected by mudflow.
 - Dam/Levee Failure: The project site is not located near any dam or levee, the failure of which could impact the project site. As such, no impact would occur with respect to dam or levee failure, and no further discussion of this issue is required.
 - Housing in 100-Year Flood Plain: The proposed project does not include any housing. As such, there would be no impact with respect to placing housing in a 100-year floodplain. Therefore, no further discussion of this issue is required.
4. Mineral Resources: The following issue was not analyzed in the Draft EIR for the reason identified below.
- Loss of a Known or Locally Important Mineral Resource: The project site is not located in an area where mining of mineral resources occurs. The project site may contain known mineral deposits that would be of value to the region and the residents of the State, but development of the proposed project would not preclude or otherwise result in the loss of availability of these resources. The minerals would continue to exist on the project site with development, and could be mined and used in the future. The proposed project therefore would not result in the loss of availability of a known mineral resource. Impacts to mineral resources would be less than significant.
5. Noise: The following issue was not analyzed in the Draft EIR for the reason identified below.
- Airport Land Use Plan and Private Airstrip: No airport exists within two miles of the project site. As such, the project site is not located within any Airport Land Use Plan and would not be exposed to severe noise levels from airport or aircraft-related activities.
6. Population and Housing: The following issue was not analyzed in the Draft EIR for the reason identified below.
- Displacement of Existing Housing and Persons: The project site is currently vacant and undeveloped. Therefore, development of the proposed project would not result in the displacement of existing housing and persons and would not require the construction of replacement housing elsewhere. Therefore, no impacts associated with displacement of existing housing or people would occur.

- Inconsistency with the City’s adopted Housing Element: The proposed 40-acre site was identified in the City’s adopted Housing Element as one of many sites for the development of urban residential uses. The 40-acre site has a combination of R-7,000 (single family residential, minimum lot size 7,000 square feet) and R-10,000 (single family residential, minimum lot size 10,000 square feet). This zoning would allow for the development of approximately 140 single family residences. Based on an inventory of available sites in the City of Lancaster, the realistic unit yield for urban residential uses is 24,032 dwelling units and 39,238 dwelling units from all sources combined. The housing allocation for Lancaster was 12,799 housing units from all sources. The available sites in Lancaster well exceeds the required amount, and the removal of 140 dwelling units would not create an impact. Further, this site does not meet the general criteria used by the State Department of Housing and Community Development to identify locations for low and very low income housing; therefore, the use of this site for non-residential use would not affect the City’s availability of adequate sites to accommodate its regional share of very low and low income housing.

7. Transportation and Traffic: The following issues were not analyzed in the Draft EIR for the reasons identified below.

- Air Traffic Patterns: The height of the building would not interfere with air traffic patterns and would not cause an increase in traffic levels or change in location that results in substantial safety risks. Since the building is not a multi-story tower, no additional lighting for air traffic safety is required. Therefore, no further discussion of this issue is required.
- Adopted Plans, Policies, or Programs Regarding Alternative Transportation: The proposed project is not expected to conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore, there would be no impact to adopted policies or existing alternative transportation facilities.

5. **FINDINGS ON POTENTIALLY SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT IDENTIFIED IN THE DEIR**

The following potentially significant environmental impacts were analyzed in the DEIR:

- Aesthetics, including Urban Decay
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use Planning

- Noise
- Population and Housing
- Public Services
- Transportation/Traffic
- Utilities

Where as a result of the environmental analysis of the proposed project and the identification of project design features, compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures, the following potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that “Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment,” which is referred to herein as “Finding 1.” Where the potential impact can be reduced to less than significant solely through adherence to and implementation of project design features or standard conditions, these measures are considered “incorporated into the project” which mitigate or avoid the potentially significant effect, and in these situations, the City also will make “Finding 1” even though no mitigation measures are required, but will find that the potential impact has been reduced to Less Than Significant through either project design features incorporated into the project or adherence to standard conditions.

Where the City has determined pursuant to CEQA Section 21081((a)(2) and CEQA Guidelines Section 15091(a)(2) that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency, the City’s finding is referred to herein as “Finding 2.”

Where, as a result of the environmental analysis of the proposed project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report,” referred to herein as “Finding 3.”

In making these findings, the City has relied upon the environmental conclusions reached by the experts that prepared the FEIR, including the information, analysis and conclusions in the technical reports prepared and made a part of the FEIR. Although contrary opinions may have been presented in comments submitted on the DEIR and FEIR, the City has weighed those comments against the underlying data, analysis and conclusions in the FEIR, and has reached its conclusions accordingly.

A. AESTHETICS

The thresholds of significance for aesthetic impacts, including urban decay, are listed in Section IV.B on pages IV.B-4 and IV.B-5 of the FEIR.

Potential Impact: The proposed project would change the visual character of the project site.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to change the visual character and quality of the project site.

Facts in Support of Findings: As discussed on pages IV.B-5 through IV.B-71 of the Draft EIR, the proposed project would change the visual character of the project site. The specific details regarding the appearance of the proposed project are described in Section II, Project Description, and Section IV.B, Aesthetics, of the Draft EIR. Whether the alteration of the project site would degrade or improve the visual character of the site is a subjective assessment. The implementation of the proposed project would substantially change the existing character from an undeveloped parcel to an urban use with retail buildings and surface parking facilities. The General Plan envisions the transformation of the site from its undeveloped condition to urban uses. Further, the surrounding area is in transition with intensification of rural or undeveloped land to suburban and urban uses. Therefore, the project would have a less than significant impact with respect to visual character.

Potential Impact: The proposed project would not result in a significant impact to the available public scenic views from the area.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to impact permanent, public scenic views.

Facts in Support of Findings: As discussed on page IV.B-7 of the EIR, changes in views of the project site from adjacent land uses and roadways would not result in a significant impact, as the area is already urbanized with a mix of institutional, commercial, and residential uses. The proposed project would not result in the obstruction of any permanent, public scenic views. Long-range views of the San Gabriel and Tehachapi Mountains would not be substantially altered. Considering the distance of the mountains from the project site, long-range views from the surrounding area would still be available above and around the proposed development. Therefore, the project would have a less than significant impact with respect to public scenic views.

Potential Impact: A significant urban blight and decay impact as a result of the construction and operation of the proposed development.

Finding: The City hereby makes Finding 1 with respect to the proposed project's ability to result in an urban decay and blight impact.

Facts in Support of Findings: The proposed project's potential to create urban blight was addressed on pages IV.B-7 through IV.B-14 of the Draft EIR and III-8 through III-21 of the Final EIR.

The original economic report was prepared in November 2008 and was included as Appendix L in the Draft EIR. As a result of comments received on the Draft EIR, the economic report was updated in June 2009 to reflect the change in the market conditions. This revised report is included in Appendix B of the Final EIR. While the economic report was updated to reflect the current market conditions, the conclusions of the report did not change.

The economic reports looked at three major categories: 1) Shopper Good (general merchandise, apparel, home furnishings/furniture and specialty goods); 2) Building Materials/Garden Supplies; and 3) Convenience Goods (food and beverage facilities and drug store/pharmacy). The major conclusions of the report with respect to these categories are provided below. Therefore, the proposed project's potential to create urban blight is less than significant.

1. Shopper Goods: The total proposed supply represents the equivalent of 118 percent of total demand in 2012, through there would be more than adequate support for the proposed space by 2013. Thus, while the development of the proposed project and the Lane Ranch project together would leave little capacity for additional new General Merchandise space in the PMA, it is unlikely that they would individually or collectively create adverse market conditions that could lead to urban decay.
2. Building Materials/Garden Supplies: Assessment of the potential for urban decay caused by an oversupply of Building Materials and Garden Supplies space needs to recognize that the potential oversupply problem would be caused by the cumulative impact generated by three separate developments. Under current circumstances, the total supply of additional space would come from the proposed project (21,624 square feet GLA, 6 percent of the total new space), the Lane Ranch project (171,038 square feet GLA, 47 percent of the new space) and the Avenue K/60th Street West center (171,069 square feet GLA, 47 percent of the new space). With its small share, the proposed project's Building Materials/Garden Supply component is not a major factor contributing to the oversupply, and could be easily absorbed in a future market context where there was only one additional major home improvement center added to the PMA between 2009 and 2014. Rather, the problem of a potential significant oversupply of Building Materials and Garden Supply space arises with the possible development of two major home improvement centers in the PMA during the next five years in a market that likely can support only one such facility at the proposed size of 170,000 square feet GLA.

Perhaps the major question that cannot be resolved in this analysis is whether or not the development of the two proposed home improvement centers is a reasonable proposition in the next five to seven years in the PMA at the two

locations that have been identified to date. While it was not possible to confirm the identity of the home improvement center operator at each site, the similarity of location, proposed building configuration and recent change in timing of the home improvement center at the Avenue K/60th Street West location to a future phase (2014) suggests that the two projects may have the same operator in mind, or, at a minimum, the developers will carefully consider the potential competitive circumstances presented by other projects before proceeding with such a commitment.

These competitive market circumstances strongly suggest that only one major home improvement center will be built in the foreseeable future on 60th Street West, and that the superior location for such a retailer is the Lane Ranch site. Regardless, given the small contribution of Building Materials and Garden Supply space that will be contributed by the proposed project, it is unlikely that its development would contribute significantly to conditions of oversupply and potential urban decay. Therefore, impacts related to the proposed project's Building Materials and Garden Supplies retail space would be less than significant.

Additionally, the shopping center at 60th Street West and Avenue K, referenced above and in the Urban Decay study prepared for the proposed project, is no longer a viable project and its approvals have been rescinded. While the 23± acre site remains commercially designated in the City's General Plan and Zoning Ordinance, no project application has been filed with the City, and it would therefore not contribute to an oversupply of Building Materials and Garden Supplies.

3. Food and Beverage Facilities: Analysis of the potential impact of the proposed Eating and Drinking Facility component of the proposed project indicates that there is sufficient market support generated by the PMA resident population and other market sources to fully support the proposed addition of this type of space by 2013. As the addition of the proposed eating and drinking uses in the proposed project represents such a small share of the total space that it will not have a significant negative impact on the existing and proposed supply of existing restaurant uses in the PMA. This component of the proposed project will not lead to urban decay at any of the existing or proposed shopping centers and business districts found in the competitive market area.
4. Drug Store/Pharmacy: The site-specific analyses indicate that while there could be a serious oversupply of drug store/pharmacy space in the proposed project's PMA if the proposed project and the Lane Ranch project open as currently scheduled, this oversupply is not likely to create conditions at any of the specific locations studied that would likely lead to significant urban decay. The four major drug store chains with stores (CVS, Walgreens, Sav-on, Rite-Aid) in the PMA are all capable of holding on to their market shares for the long term, due both to their brand strengths and to their respective geographic positioning. However, it is also very possible that the sales achieved per square foot at these

stores may fall below the standard threshold utilized in the analysis for determining supportable drug store space.

Potential Impact: The proposed project could have a potentially significant impact with respect to nighttime lighting and glare.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to create significant impacts with respect to lighting and glare.

Facts in Support of Findings: As discussed on pages IV.B-14 and IV.B-15 of the Draft EIR, development of the project site with the proposed land uses would create new sources of light and glare. Even though the immediate area is experiencing growth, the development would substantially change the nighttime lighting in the area and could potentially affect the adjacent properties with light "spill". Additionally, the development would introduce new sources of glare to the site, such as signs and automobile glass. However, with the implementation of Mitigation Measures B-1 through B-15 as identified in the EIR, these impacts would be less than significant.

Potential Impact: The proposed project would not have a significant shade and shadow impact on the residences to the east or high school to the south of the project site.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to create shade and shadow impacts on sensitive land uses.

Facts in Support of Findings: As discussed in the Draft EIR on page IV.B-15, the proposed project would generate shade and shadows. The tallest structure in the proposed development is approximately 41.5 feet in height. While this is tall enough to cast shadows, due to the relatively low height of the buildings and the distance between the proposed project and sensitive receptors, no shadows would be cast onto the school property or the residences and impacts would be less than significant.

Potential Impact: The proposed project would not result in a cumulatively considerable impact with respect to visual character, views, urban decay, shade/shadow, and light/glare.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential aesthetic impacts.

Facts in Support of Findings: Development of the related projects is expected to occur in accordance with adopted plans and regulations. Related Project No. 78, Lane Ranch, is located near the project site. No substantial scenic resources are located in the area surrounding the project site that could be affected by a cumulatively considerable reduction in views. Therefore, the proposed project in conjunction with the related projects would not result in significant cumulative impacts with regard to the aesthetic and visual character of the area.

Development of the proposed project, in conjunction with the related projects, would increase ambient lighting and glare levels in the project vicinity. However, any

additional glow from the related projects would be subject to the City's reflective materials design standards which limits the amount of reflective surface areas and materials that can be used for any given project. The potential glare created from these related projects would not be cumulatively considerable.

Development of the proposed project, in conjunction with the related projects would not result in an increase of shading impacts on the project site or in the vicinity of the project site as major roadways separate the project site from the nearest related projects. There are no related projects in the immediate vicinity of the project site that would increase the shading of the sensitive uses adjacent to the project site. Therefore, no cumulatively considerable shading impacts would occur.

Finally, the cumulative impacts of this project in conjunction with the related projects, on potential physical degradation or urban decay related to Shopper Goods space, Building Materials and Garden supplies space, food store space, drug store/pharmacy space and eating and drinking facilities would be less than significant.

B. AGRICULTURAL RESOURCES

The thresholds of significance for agricultural resources are listed in Section IV.C on page IV.C-4 of the FEIR.

Potential Impact: The proposed project would not result in the conversion of prime farmland, unique farmland or farmland of statewide importance to non-agricultural use.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to convert farmland to non-agricultural use and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.C-4 of the Draft EIR, the project site is classified by the California Department of Conservation, Farmland Mapping and Monitoring Program, as urban and built-up land and other land and not for agricultural use. Therefore, development of the proposed project would not change agricultural land to a non-agricultural use and no impacts would occur.

Potential Impact: The proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to conflict with existing zoning for agricultural use or a Williamson Act contract and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.C-4 of the Draft EIR, the project site is currently designated for urban residential uses, which does not allow agricultural uses. Additionally, the project site is not subject to a Williamson Act contract. Therefore, no impacts would occur.

Potential Impact: The project would not result in changes to the environment which could result in the conversion of farmland to non-agricultural uses.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to result in the conversion of farmland to non-agricultural use.

Facts in Support of Findings: As discussed on pages IV.C-4 and IV.C-5 of the Draft EIR, the proposed project would be constructed on a site which has been planned for urban uses. Additionally, the surrounding uses in the area are residential and institutional and no agricultural uses are located nearby. There is no agricultural activity on the project site and there has not been agricultural activity for several years. Therefore, no impacts would occur.

Potential Impact: No impact to agricultural resources would occur as a result of the proposed project in conjunction with the related projects.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to result in cumulative impacts to agricultural resources and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: None of the related projects are of an agricultural nature. These projects in combination with the proposed project would greatly intensify the residential and commercial land usage in the immediate project area. None of the nearby projects involve the conversion of agricultural uses to non-agricultural uses. There is no current agricultural activity on the project site and there has not been agricultural activity for several years. In addition, each related project must be individually assessed to determine if agricultural resources are being negatively impacted. Therefore, no cumulative impacts would occur.

C. AIR QUALITY

The thresholds of significance for air quality impacts are listed in Section IV.D on pages IV.D-17 through IV.D-19 of the FEIR.

Potential Impact: The proposed project would not conflict with or obstruct implementation of the 2004 Ozone Attainment Plan.

Finding: The City hereby makes Finding 1 with respect to impacts to the air quality plan.

Facts in Support of Findings: As discussed on page IV.D-20 of the EIR, the use of the project site for commercial uses was not accounted for in the 2004 Ozone Attainment Plan prepared by the Antelope Valley Air Quality Management District. However, because the City of Lancaster's General Plan was used by SCAG to prepare the growth forecasts for northern Los Angeles County, upon which the 2004 Ozone Attainment Plan is based, as long as growth in the City is consistent with the City's General Plan, implementation of the 2004 Ozone Attainment Plan would not be obstructed by such growth and cumulative impacts would be less than significant. Although development of

the proposed project would result in a general plan amendment and zone change, the development of the proposed commercial uses on the project site would help to reduce vehicle emissions by providing commercial/retail opportunities in an area of Lancaster that is currently underserved. This could serve to decrease the distance residents need to travel for consumer goods. Additionally, the proposed project would provide employment opportunities for the local area. Thus, although the proposed project would not be consistent with the City's General Plan and by extension the attainment plan, it would not conflict with or obstruct implementation of the 2004 Ozone Attainment Plan and impacts would be less than significant.

Potential Impact: The proposed project would generate air quality impacts during construction.

Finding: The City hereby makes Finding 1 with respect to air quality impacts associated with construction of the proposed project.

Facts in Support of Findings: Air quality impacts associated with construction activities were discussed on pages IV.D-20 through IV.D-24 of the EIR. As determined in this analysis, the proposed project would generate NO_x and VOC emissions above the thresholds set by AVAQMD during the grading and asphalt/architectural coatings phases, respectively. Additionally, it was determined that the localized pollutant concentrations from NO_x during construction activities would exceed the 1-hour pollutant averaging time. All other emissions would be below the established thresholds. Mitigation measures D-1 through D-14 were identified to reduce these impacts to a less than significant level. Therefore, impacts from mass daily emissions of these criteria pollutants during construction of the proposed project would be reduced to a less than significant level.

Potential Impact: The proposed project would generate potentially significant air quality impacts during operation.

Finding: The City hereby makes Finding 3 with respect to air quality impacts associated with the operation of the proposed project. Specifically, no mitigation measures or alternatives have been identified that can feasibly reduce potentially significant air quality impacts during operations to a level of less than significant.

Facts in Support of Findings: Air quality impacts associated with the operation of the proposed project were discussed on pages IV.D-25 through IV.D-27. As determined in this analysis, the proposed project would generate carbon monoxide (CO) and PM₁₀ emissions which exceed the thresholds established by the air district during operational activities. Because a majority of these emissions are generated by motor vehicles, the only way to reduce these emissions would be to greatly reduce the size of the proposed project. Such size reduction was determined to be infeasible as it would not meet the project objectives. Therefore, impacts from operational emissions would remain significant and unavoidable.

Potential Impact: The proposed project would generate toxic air contaminants from operation of the development.

Finding: The City hereby makes Finding 1 with respect to impacts associated with toxic air contaminants.

Facts in Support of Findings: Air quality impacts associated with the generation of toxic air contaminants were discussed on pages IV.D-27 and IV.D-28 of the EIR. As discussed, a Health Risk Assessment was prepared to evaluate the impacts from diesel exhaust emissions generated by the proposed project. The inhalation cancer risk at the closest exposed individual resident is 3 in one million and the chronic non-cancer hazard index at this receptor is less than 0.01. The inhalation cancer risk and chronic non-cancer index at the nearest worker and nearest sensitive receptor (students at Quartz Hill High School) were 0.2 in one million and less than 0.01, respectively. These numbers are substantially less than the thresholds established by the AVAQMD of 10 in one million for inhalation cancer risk and 1 for the chronic non-cancer index. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate greenhouse gas emissions.

Finding: The City hereby makes Finding 1 with respect to impacts associated with greenhouse gas emissions generated by the proposed project.

Facts in Support of Findings: Greenhouse gas emission impacts were discussed on pages IV.D-28 through IV.D-38 of the EIR. As discussed in this section it was determined that the proposed project would be consistent with all feasible and applicable strategies to reduce greenhouse gas emissions in California and would therefore be considered consistent with the 2006 CAT report. Specifically, implementation of Mitigation Measure D-12, compliance with restrictions on truck idling, compliance with Title 24, reduction in solid waste and implementation of recycling programs, incorporation of landscaping and permeable surfaces throughout the project site, incorporation of high efficiency HVAC and appliances, water conservation measures, and other measures Walmart has incorporated into this project in its description would all add to the reduction of greenhouse gas emissions. These measures are identified in Section II, Project Description, of the Draft EIR. The project must also comply with Mitigation Measure D-15. Therefore, greenhouse gas emissions would be less than significant.

Potential Impact: The proposed project would generate some odors as a result of the proposed restaurant and kitchen uses.

Finding: The City hereby makes Finding 1 with respect to impacts associated with odors and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.D-38, odors are typically associated with industrial/manufacturing uses which utilize chemicals, solvents, and petroleum products, such as landfills and treatment facilities. The proposed project does not include any of these uses. The proposed project would include restaurant and kitchen

uses which generate odors as a result of the cooking process. However, these odors are similar in type to the odors generated by a residential kitchen. Additionally, these facilities are required to be permitted through the air district and must comply with all applicable conditions and regulations related thereto. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate cumulative air quality impacts.

Finding: The City hereby makes Finding 1 with respect to cumulative air quality impacts associated with the proposed project.

Facts in Support of Findings: According to the *AVAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, cumulative impacts are similar to the direct and indirect impacts that the proposed project contributes to. In addition, in terms of conformity impacts, a project is conforming if it “complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plans(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan).” Because the City of Lancaster’s General Plan was used by SCAG to prepare the growth forecasts for northern Los Angeles County, development that is consistent with the City’s General Plan would not create air emissions that exceed the applicable air quality plan, which is the AVAQMD’s *2004 Ozone Attainment Plan*. Consequently, as long as growth in the City is consistent with the City’s General Plan, implementation of the *2004 Ozone Attainment Plan* would not be obstructed by such growth and cumulative impacts would be less than significant. Although development of the proposed project would result in a general plan amendment and zone change to the project site, the development of the proposed commercial uses on the project site could serve to reduce vehicle emissions in the area by providing retail facilities on the project site to serve the local community. In particular, the proposed project, which is a large commercial/retail development, would serve to decrease the distance City residents would have to travel for consumer goods, which in turn would reduce the trip lengths residents would need to travel and the emissions associated with those vehicle trips. Thus, the proposed project would not conflict with or obstruct implementation of the *2004 Ozone Attainment Plan*. Therefore, the contribution of the proposed project to this impact would be less than significant.

As discussed previously, the increased accumulation of GHGs in the atmosphere may result in global climate change, the consequences of which result in adverse environmental effects. The State has mandated a goal of reducing State-wide emissions to 1990 levels by 2020, even though State-wide population and commerce is predicted to grow substantially. The increase in commercial space with implementation of the proposed project would generate greater than zero GHG emissions and the cumulative effect of global climate change would be considered incrementally cumulatively considerable. This would be considered a potentially significant cumulative impact. However, with the incorporation of the identified Mitigation Measures D-1 through D-15, impacts would be less than significant.

D. BIOLOGICAL RESOURCES

The thresholds of significance for biological resource impacts are listed in Section IV.E on pages IV.E-12 and IV.E-13 of the FEIR.

Potential Impact: Development of the proposed project could result in significant impacts to special status wildlife species, including nesting raptors/birds and burrowing owl.

Finding: The City hereby makes Finding 1 with respect to impacts to special status animal species.

Facts in Support of Findings: Impacts to special status wildlife species, including nesting raptors/birds and burrowing owls, were discussed on page IV.E-13 of the EIR. As discussed, no special status species were identified on the project site; however, the potential still exists from them to occur, particularly burrowing owls. Construction of the proposed project would remove all vegetation which would impact foraging habitat for raptors and could impact nesting birds/raptors on the site. This would be a potentially significant impact. However, Mitigation Measures E-1 and E-2 were identified which would reduce potential impacts to a less than significant level.

Potential Impact: The proposed project would not result in significant impacts to special status plant species and sensitive plant communities.

Finding: The City hereby makes Finding 1 with respect to impacts to special status plant species and sensitive plant communities and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on pages IV.E-13 and IV.E-14 of the Draft EIR, no special status plant species are expected to occur on the project site or are considered to have a low potential due to the general disturbed and degraded conditions of the site and/or lack of specific habitat requirements. None of the plant communities on the project site (ruderal non-native grassland and rabbitbrush scrub) are considered to be sensitive. Therefore, no mitigation is required and impacts would be less than significant.

Potential Impact: The proposed project could result in a significant impact to off-site jurisdictional features.

Finding: The City hereby makes Finding 1 with respect to impacts to jurisdictional features.

Facts in Support of Findings: As discussed on page IV.E-14, the proposed project may impact the offsite active constructed drainage located along the outside western boundary of the project site. Although this drainage feature is not located within the project site, due to its close proximity to project development, grading activities associated with project development may impact portions of the drainage. It should be noted that on October 12, 2007, the Army Corps of Engineers issued a letter to the City of Lancaster stating that the site is not subject to their jurisdiction under Section 404 of the Clean

Water Act and would not require a permit. However, with implementation of Mitigation Measure E-3 requiring regulatory permits in the event that the drainage would be disturbed, impacts would be less than significant.

Potential Impact: The proposed project would not impact wildlife movement, migration corridors, or native nursery sites.

Finding: The City hereby makes Finding 1 with respect to impacts to wildlife movement or native wildlife nurseries and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.E-14, a wildlife corridor joins otherwise fragmented habitats, which helps to increase the gene flow between the individual habitats, provides an escape route and improves the overall fitness of resident species. The project site is surrounded on three sides by development and therefore lacks connectivity to nearby natural habitats. Additionally, the project site is currently fenced with chainlink fence, dominated with ruderal and non-native vegetation and is regularly disturbed; these conditions tend to preclude the use of areas by wildlife species for use as a movement or migration corridor or as a native nursery site as they prefer areas that are accessible and safe from harm. Therefore, the proposed project is not expected to impact wildlife movement, migration corridors, or native nursery sites. No mitigation is required.

Potential Impact: Development of the proposed project would not conflict with local policies or ordinances.

Finding: The City hereby makes Finding 1 with respect to impacts to conflicts with local policies or ordinances and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: The City of Lancaster does not have an ordinance specifically protecting tree species; therefore, the non-native trees on-site are not protected by local ordinances. In addition, those General Plan policies protecting sensitive species were addressed under the special status species, above. Therefore, the proposed project would have no impacts regarding conflicts with local policies and ordinances.

Potential Impact: Development of the proposed project would not conflict with any conservation plans and further finds that no significant impact will result from the project and no mitigation is required.

Finding: The City hereby makes Finding 1 with respect to impacts to conservation plans.

Facts in Support of Findings: The project site is not located in an area which is covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Although a draft of the West Mojave Plan has been prepared that would eventually cover lands within the City of

Lancaster, this plan has not yet been approved by regulatory agencies and currently only covers lands owned by the Bureau of Land Management. Therefore, no impacts would occur.

Potential Impact: Development of the proposed project would not result in a cumulatively considerable impact to biological resources.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to biological resources.

Facts in Support of Findings: The project site is a vacant parcel which supports marginally suitable habitat for common native wildlife species and the loss of such habitat is not considered a substantial adverse impact for native wildlife species. Therefore, loss of marginally suitable habitat from the implementation of the proposed project, when considered with the related projects, would not be cumulatively considerable. However, a few of the related projects are located on undeveloped lands which may support nesting birds, burrowing owls and/or potentially jurisdictional waterways; potential impacts to these sensitive biological resources, when considered with the potential impacts to these resources from the proposed project, may result in cumulatively considerable adverse impacts. However, with implementation of Mitigation Measures E-1 through E-3, impacts would be less than significant.

In addition, the City has adopted Ordinance 848, Biological Impact Fee, to help offset the cumulative loss of biological resources within the City of Lancaster. This ordinance requires the payment of \$770/acre to be utilized towards conservation activities and applies to all development projects regardless of the level of impact.

E. CULTURAL RESOURCES

The thresholds of significance for cultural resources impacts are listed in Section IV.F on pages IV.F-7 and IV.F-8 of the FEIR.

Potential Impact: Development of the project site would not impact any historic resources.

Finding: The City hereby makes Finding 1 with respect to potential impacts to historic resources and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.F-8 of the FEIR, the project site is a currently vacant and undeveloped open field with no standing structures. One concrete foundation, with associated historic and modern debris was observed, but there is no indication that they are over 50 years old. Therefore, they are not considered historic resources and no impacts would occur. Therefore, no mitigation is required and impacts would be less than significant.

Potential Impact: Development of the project site could potentially impact presently unknown archaeological resources.

Finding: The City hereby makes Finding 1 with respect to potential impacts to archaeological resources.

Facts in Support of Findings: According to the records search conducted by the South Central Coastal Information Center, there are no identified prehistoric or archaeological sites, prehistoric isolates, historic archaeological sites, or historic isolates within the boundaries of the project site. Additionally, no archaeological resources were identified during a survey of the project site. It is not possible to determine if there are any subsurface archaeological resources on the project site and there are five archaeological sites and three isolated artifacts within one mile of the project site. Therefore, impacts are potentially significant. However, with implementation of Mitigation Measure F-1, potential impacts would be reduced to a less than significant level.

Potential Impact: Development of the project site could potentially impact currently unknown paleontological resources.

Finding: The City hereby makes Finding 1 with respect to potential impacts to paleontological resources

Facts in Support of Findings: No evidence of paleontological resources was discovered on the project site during surveys and excavation and development of the project site is not anticipated to affect paleontological resources. However, the majority of the site has never been developed and it is difficult to know what lies beneath the ground surface. Therefore, there is a possibility to impact paleontological resources during excavation activities. However, with implementation of Mitigation Measure F-1, potential impacts would be reduced to a less than significant level.

Potential Impact: Development of the project site could potentially impact unknown human remains.

Finding: The City hereby makes Finding 1 with respect to impacts to human remains

Facts in Support of Findings: According to the Native American Heritage Commission (NAHC), there are no sacred lands or other Native American cultural resources in the project area. None of the NAHC contacts have expressed any concerns regarding the proposed project. However, the majority of the project site has never been subject to subsurface disturbance and it is difficult to know what lies beneath the ground surface. There is a possibility that impacts to human remains could occur during excavation activities for the proposed project. However, with implementation of Mitigation Measure F-1, potential impacts would be reduced to a less than significant level.

Potential Impact: Development of the proposed project would not result in a cumulatively considerable impact to cultural resources.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to cultural resources.

Facts in Support of Findings: Development of the proposed project in conjunction with the development of the related projects has the potential to increase the risk to cultural resources in the project area. While the development of the related projects in conjunction with the proposed project would greatly intensify the land usage in the immediate project area, impacts to cultural resources tend to be site-specific and are assessed on a site-by-site basis. The extent of cultural resources that occur at related project sites is unknown and, as such, it is not known whether any of the related projects would result in significant impact to cultural resources. However, similar to the proposed project, such determinations would be made on a case-by-case basis, and if necessary, the applicants of the related projects would be required to implement the appropriate mitigation measures. Furthermore, the analysis of the proposed project's impacts to cultural resources concluded that, through the implementation of the identified mitigation measure, project impacts to cultural resources would be less than significant. Therefore, the proposed project would not contribute to any potential cumulative impacts, including Mitigation Measure F-1, and impacts to cultural resources would not be cumulatively considerable.

F. GEOLOGY/SOILS

The thresholds of significance for geology/soils impacts are listed in Section IV.G on pages IV.G-5 and IV.G-6 of the FEIR.

Potential Impact: The proposed project has the potential to create erosion during construction activities and operation of the development.

Finding: The City hereby makes Finding 1 with respect to impacts associated with erosion.

Facts in Support of Findings: During construction activities there is a potential for erosion to occur during the grading process. The proposed project would have a potentially significant impact if it would result in substantial soil erosion or the loss of topsoil during construction. Regulatory measures are required to be implemented during construction periods to minimize wind and water-borne erosion. The proposed project would be required to obtain a grading permit from the Public Works Department. In addition, project construction would be performed in accordance with the Storm Water Pollution Prevention Plan (SWPPP), which specifies Best Management Practices to prevent all soil from moving off-site due to water and wind erosion. With implementation of the applicable grading and building permit requirements and the application of BMPs, impacts with respect to erosion or loss of topsoil during construction would be less than significant. No additional mitigation is necessary or required.

Under the existing condition, the project site is susceptible to erosion. The proposed project would develop the project site with pervious and impervious surfaces including structures, paved areas, and landscaping. As such, the proposed development would reduce the rate and amount of erosion occurring at the project site and impacts with

respect to erosion or the loss of topsoil during development operation would be less than significant.

Potential Impact: Development of the proposed project would result in a less than significant impact as a result of seismic hazards such as surface fault rupture, seismicity, ground shaking, liquefaction, seismically-induced settlement, and subsidence.

Finding: The City hereby makes Finding 1 with respect to impacts associated with seismic hazards.

Facts in Support of Findings: As discussed on pages IV.G-7 through IV.G-8, the project site is not located in an Alquist-Priolo zone, in an area subject to liquefaction, seismically-induced settlement, or subsidence. While the project site would be subject to ground shaking as a result of an earthquake, this risk is no greater than anywhere else in southern California. Additionally, the proposed project would be required to be constructed in accordance with the seismic design criteria contained in the City's building code. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: Development of the project site would not create substantial risks to life or property associated with expansive soils.

Finding: The City hereby makes Finding 1 with respect to impacts associated with expansive soils and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: The soils at the project site consist of gravelly sand and silty clay. According to the City of Lancaster's Master Environmental Assessment, the project site is located in an area of low shrink-swell potential. Laboratory testing performed for the Preliminary Geotechnical Evaluation showed soil expansion potential at the project site ranging from very low to low. No additional mitigation is necessary or required. Therefore, impacts associated with expansive soil would be less than significant.

Potential Impact: Development of the project site could result in impacts from corrosive soils.

Finding: The City hereby makes Finding 1 with respect to impacts associated with corrosive soils

Facts in Support of Findings: The project site is located in a geologic environment that could potentially contain soil conditions that are corrosive to concrete and metals. The degree of potential corrosivity of soils will be evaluated by site-specific analysis during design of the project. Specific measures to mitigate the potential effects of corrosive soils will be developed in the design phase. The requirement for a site specific analysis is identified in Mitigation Measure G-1. Therefore, impacts with respect to soil corrosivity would be less than significant.

Potential Impact: Development of the proposed project would not result in a cumulatively considerable impact with respect to geology and soils.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to geology and soils.

Facts in Support of Findings: Development of the proposed project in conjunction with the related projects would result in further development of various land uses in the City of Lancaster. These projects in combination with the proposed project would greatly intensify the land usage in the immediate project area. Geologic hazards are site-specific and there is little, if any, cumulative relationship between development of the proposed project and the related projects. As such, construction of the related projects is not anticipated to combine with the proposed project to cumulatively expose people or structures to such geologic-seismic hazards as earthquakes, ground shaking, liquefaction, landslides, unstable soils, expansive soils, or result in substantial soil erosion or loss of topsoil. Therefore, no cumulatively considerable impacts are anticipated from the proposed project and the related projects.

G. HAZARDS AND HAZARDOUS MATERIALS

The thresholds of significance for hazards and hazardous materials impacts are listed in Section IV.H on page IV.H-10 of the FEIR.

Potential Impact: The proposed project would involve the routine transport, use, disposal or release of hazardous materials.

Finding: The City hereby makes Finding 1 with respect to impacts associated with the routine transport, use, and disposal of hazardous materials.

Facts in Support of Findings: As discussed on page IV.H-11, during the construction phase, the proposed project is anticipated to require the routine transport, use, and disposal of cleaning solvents, fuels, and other hazardous materials commonly associated with construction projects. All hazardous materials encountered or used during construction activities would be handled in accordance with applicable local, state, and federal regulations which include requirements for disposal of hazardous materials at a facility licensed to accept such wastes. During operation of the proposed project, the proposed retail uses would require minimal amounts of hazardous materials for routine cleaning and would not pose any substantial potential for accident conditions involving the release of hazardous materials. The proposed project would be required to comply with applicable local, state, and federal regulations regarding the storage and retail sale of potentially hazardous materials. Therefore, impacts would be less than significant.

Five obsolete wells were discovered on the project site. All five wells have been abandoned. Four of the wells have received Los Angeles County Department of Health Services permit approval and one has pending approval. Additionally, a mitigation measure (H-1) has been identified to ensure that any unknown wells, septic systems, etc., discovered during construction activities are properly closed. Therefore, impacts would be less than significant.

Potential Impact: The proposed project has the potential to impact sensitive receptors (school and residences) with the use of hazardous materials.

Finding: The City hereby makes Finding 1 with respect to hazardous materials impacts to sensitive receptors as a result of the proposed project.

Facts in Support of Findings: As discussed on pages IV.H-11 through IV.H-12, the proposed project would utilize hazardous materials during construction and operational activities. All hazardous materials used/encountered during construction activities or used during the routine day-to-day operations of the proposed development would be done in accordance with all applicable local, state, and federal regulations. No additional mitigation is necessary or required. Therefore, such materials would not be expected to endanger sensitive receptors in the project vicinity and impacts would be less than significant.

Potential Impact: Development of the proposed project would not result in any impacts from hazardous materials sites.

Finding: The City hereby makes Finding 1 with respect to impacts associated with hazardous materials sites and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As a result of a regulatory database search, it was determined that the project site is not listed as a site which is included on a list of hazardous materials sites pursuant to Government Code Section 65962.5. No additional mitigation is necessary or required. Therefore, no impact would occur.

Potential Impact: Development of the proposed project would not result in any significant impacts to emergency response or emergency evacuation plans.

Finding: The City hereby makes Finding 1 with respect to impacts to emergency response and/or emergency evacuation plans and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Implementation of the proposed project would not substantially impede public access or travel upon public rights-of-way and would not interfere with any adopted emergency response plan or emergency evacuation plan. Furthermore, the construction phase of the proposed project would not substantially impede public access or travel on public rights-of-way, and would not interfere with any adopted emergency response plan or emergency evacuation plan. No impact would occur to emergency response plans with implementation of the project.

Potential Impact: The proposed project would not generate cumulatively considerable impacts with respect to hazardous materials/waste.

Finding: The City hereby makes Finding 1 with respect to cumulative hazardous materials/waste impacts associated with the proposed project.

Facts in Support of Findings: Development of the proposed project in conjunction with the related projects has the potential to increase the risk for accidental release of hazardous materials. While the development of the related projects in conjunction with the proposed project would greatly intensify the land usage in the immediate project area, the identified uses are primarily residential in nature and would not involve uses that typically use, store, transport, or treat hazardous materials with the exception of the nearby related project, Lane Ranch Towne Center. This related project would involve similar uses and transport of hazardous materials. These materials would not pose any substantial potential for accident conditions. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the accidental release of hazardous materials into the environment during construction and operation, transport/use/disposal of hazardous materials, and hazards to sensitive receptors. Because hazardous materials and risk of upset conditions are largely site specific, this would occur on a case-by-case basis for each individual project affected, in conjunction with the development proposals on these properties. In addition, each related project would be required to comply with local, state, and federal laws regarding hazardous materials. No additional mitigation is necessary or required. Therefore, cumulative impacts with respect to hazardous materials would be less than significant.

H. HYDROLOGY/WATER QUALITY

The thresholds of significance for hydrology/water quality impacts are listed in Section IV.I on page IV.I-4 of the FEIR.

Potential Impact: The proposed project has the potential to create water quality impacts during construction activities and operation.

Finding: The City hereby makes Finding 1 with respect to water quality impacts associated with the proposed project.

Facts in Support of Findings: Impacts to water quality as a result of construction and operational activities associated with the proposed project were discussed on page IV.I-5 of the Draft EIR.

Since the proposed project would include grading, the proposed project would require a General Construction Activity Storm Water Permit from the SWRCB prior to the start of construction. The General Permit requires that a Notice of Intent (NOI) be filed with the SWRCB. By filing an NOI, the project developer agrees to the conditions outlined in the General Permit. One of the conditions of the General Permit is the development and implementation of a Storm Water Pollution Prevention Plan which identifies the structural and nonstructural Best Management practices which will be implemented. With implementation of the applicable grading and building permit requirements and the application of the BMPs, the proposed project would not violate any water quality standards or waste discharge requirements.

The proposed project would reduce the rate of erosion on the project site. However, if not properly designed and constructed, the proposed project could increase the rate of

urban pollutant introduction into the storm water system. With compliance with the Clean Water Act and the City's municipal code, the proposed project would not violate any water quality standards or waste discharge requirements. Mitigation measures identified as I-1 through I-5 reiterate each of the requirements stated herein. Therefore, the proposed projects construction and operational impacts would be less than significant.

Potential Impact: The proposed project would result in a less than significant impact to groundwater.

Finding: The City hereby makes Finding 1 with respect to groundwater impacts associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.I-6 of the EIR, the groundwater table is 100 feet or more below ground surface. Only relatively shallow excavations (e.g., building pads, foundations, etc) are proposed as part of the project. The proposed project does not have the potential to intercept existing aquifers. It would not include any wells and therefore would not involve the addition or withdrawal of groundwater. The increase in the amount of impervious surfaces at the project would not substantially interfere with groundwater. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would result in an increase in runoff from the project site.

Finding: The City hereby makes Finding 1 with respect to drainage impacts associated with the proposed project.

Facts in Support of Findings: As discussed on page IV.I-6 of the EIR, the proposed project would alter the existing drainage patterns on the project site as the project would be developed with pervious and impervious surfaces including structures, paved areas, and landscaping. This would result in an increase in runoff from the site, with an overall increase in debris. However, all projects in the City of Lancaster are required to reduce their runoff to 85% of pre-developed flow. This has been included as Mitigation Measures I-5. Additionally, the project applicant has been conditioned to construct a 60-inch storm drain along the project site in Avenue L (approximately 1,300 feet) (Mitigation Measure I-4). All onsite runoff would be outletted into the proposed storm drain in Avenue L or the existing storm drain in 60th Street West. These measures, in addition to the conditions of approval and project design features, would reduce drainage impacts to a less than significant level.

Potential Impact: The proposed project would result in a less than significant impact to flooding.

Finding: The City hereby makes Finding 1 with respect to flooding impacts associated with the proposed project.

Facts in Support of Findings: As discussed on page IV.I-7, the project site is located in an area susceptible to flooding. The City has adopted the Master Plan of Drainage to

address such issues and has established drainage fees to fund additional flood control facilities. The proposed project is required to install a 60-inch storm drain in Avenue L and is required to reduce the runoff from the project site to 85 percent of predevelopment flow. These are identified as Mitigation Measures I-4 and I-5. With implementation of these measures impacts with respect to flooding would be less than significant.

Potential Impact: The proposed project would not result in a cumulatively considerable impact to hydrology and water quality.

Finding: The City hereby makes Finding 1 with respect to cumulative hydrology and water quality impacts.

Facts in Support of Findings: As discussed on page IV.I-7 of the EIR, the proposed project and the 81 related projects would greatly intensify the land use and impervious surfaces in the immediate project area and thus stormwater volume and rate would increase. This would also impact water quality. The proposed storm drainage system serving this area has been designed to accommodate runoff from this built environment. New developments would also be required to control the amount of storm water runoff coming from their respective sites as well as pay drainage impact fees. Mitigation measures have been identified (I-1 through I-5) which would reduce the proposed project's drainage impact to a less than significant level. Thus, the proposed project would not contribute to a significant cumulative impact and no cumulatively considerable impacts to water runoff and water quality would occur.

I. LAND USE PLANNING

The thresholds of significance for land use impacts are listed in Section IV.J on pages IV.J-4 and IV.J-5 of the FEIR.

Potential Impact: The proposed project would not result in physically dividing an established community.

Finding: The City hereby makes Finding 1 with respect to impacts associated with community division and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: The potential for the proposed project to physically divide an established community is based on the comparison of existing land uses on and adjacent to the project site. The project site is situated at the northwest corner of 60th Street West and Avenue L, both of which are arterial streets. The project site has residential located to the north and east and a high school to the south. West of the site is vacant land. Therefore, the proposed project would not physically divide an established community and/or uses and impacts would be less than significant.

Potential Impact: The proposed project would not conflict with an applicable Conservation Plan or Natural Community Conservation Plan.

Finding: The City hereby makes Finding 1 with respect to impacts to conservation plans and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: There are no habitat conservation plans or natural community conservation plans that are applicable to the project site. Therefore, the proposed project would not conflict with any habitat conservation plan or community conservation plan and no impacts would occur.

Potential Impact: The proposed project is consistent with both the City of Lancaster's General Plan and the Southern California Association of Governments (SCAG) Regional Comprehensive Plan and Guide (RCPG).

Finding: The City hereby makes Finding 1 with respect to impacts associated with the consistency of applicable land use plans.

Facts in Support of Findings: Consistency of the proposed project with applicable plans was discussed on pages IV.J-6 through IV.J-18 of the Draft EIR. The proposed project would be consistent with the general plan designation and zoning code upon approval of the general plan amendment and zone change. The site redesignation and rezoning would not substantially conflict with applicable policies of the Lancaster General Plan and would work to implement a number of those policies (see Table IV.J-1 of the Draft EIR). The project's consistency with the applicable policies of the RCPG was also analyzed and was deemed to be consistent (see Table IV.J-2 of the Draft EIR). Therefore, impacts would be less than significant.

Potential Impact: The proposed project would be compatible with the surrounding land uses.

Finding: The City hereby makes Finding 1 with respect to impacts to land use compatibility and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on pages IV.J-18 and IV.J-19, compatibility with surrounding land uses would be ensured through compliance with development standards. The design, height, and massing of the buildings included in the proposed project would be consistent with the existing development in the area and the structures would be compatible with the surrounding one- and two-story residential and institutional buildings. Through its proposed uses and architectural form, the proposed project would become fully integrated into the existing streetscape and community. The proposed general plan amendment and zone change would not introduce land uses that would be inconsistent with the policies and intent of the General Plan. Thus, no significant land use compatibility impacts related to the scale and massing of the proposed project would occur.

Potential Impact: The proposed project would not result in a cumulatively considerable land use impact.

Finding: The City hereby makes Finding 1 with respect to land use impacts.

Facts in Support of Findings: In addition to the proposed project, the related projects would be required to either generally conform to the zoning and land use designations for each site or be subject to specific findings and conditions which are based on maintaining general conformance with the land use plans applicable to the area. Development of the proposed project and related project is not anticipated to substantially conflict with the intent of the City's General Plan regarding the future development of Lancaster, or with other land use regulations required to be consistent with the General Plan, such as the zoning code. Development of the proposed project would not be expected to result in cumulatively considerable effects with respect to land use regulations. Therefore, no mitigation is required and impacts would be less than significant.

J. NOISE

The thresholds of significance for noise impacts are listed in Section IV.K on pages IV.K-10 through IV.K-12 of the FEIR.

Potential Impact: The proposed project would result in an increase in noise levels as a result of construction activities.

Finding: The City hereby makes Finding 1 with respect to construction noise impacts associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Impacts from construction noise was analyzed on pages IV.K-12 through IV.K-14 of the EIR. This analysis examined the noise levels that could potentially be generated during different types of construction activities and the noise impacts that they would have on the sensitive uses in the immediate vicinity (Quartz Hill High School to the south and residences to the north and east). It was determined that the site preparation/grading activities would generate the loudest noise levels of 86 dBA at 50 feet. Due to the distance from the project site, the noise levels experienced at the residences to the north and east would be approximately 71.4 dBA and approximately 75.1 dBA at the high school. While this would be an increase in the noise levels experienced at these locations, it is less than the thresholds and would be temporary in nature. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate low-levels of groundborne vibration during construction activities.

Finding: The City hereby makes Finding 1 with respect to groundborne vibration impacts to sensitive receptors during construction activities and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Impacts from construction generated groundborne vibration were discussed on pages IV.K-14 and IV.K-15 of the EIR. It was determined that vibration levels would be approximately 87 VdB at 25 feet of the construction

activities. Due to the distance from the project site, the residences are anticipated to experience vibration levels at approximately 77.4 VdB and the high school at approximately 76.1 VdB. This is less than the established threshold of 80 VdB. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate increase noise levels from vehicular traffic during both the weekdays and on the weekends.

Finding: The City hereby makes Finding 1 with respect to noise impacts generated by vehicular traffic associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on pages IV.K-15 through IV.K-18, the noise levels in the area around the project site would increase as a result of vehicular traffic associated with the proposed project. Noise modeling was conducted for 40 roadway segments for weekday and weekend (Saturday) traffic. As shown in Table IV.K-10, roadway noise would increase a maximum of 1.8 dBA during the weekday. This increase would on the roadway segment of 60th Street West north of Avenue J. During the weekend, the roadway noise would increase a maximum of 1.8 dBA (Table IV.K-11). This would occur on the roadway segment on Avenue M, east of 60th Street West. These increases are less than the 3 dBA threshold and therefore, impacts would be less than significant.

Potential Impact: The proposed project would increase the periodic noise levels associated with loading dock/solid waste collection and HVAC systems.

Finding: The City hereby makes Finding 1 with respect to periodic noise impacts associated with operation of the proposed project.

Facts in Support of Findings: As discussed on pages IV.K-19 through IV.K-20, intermittent noise level increases would occur in association with delivery trucks, loading dock activities, solid waste collection, and HVAC systems. Loading activities involving small/medium sized trucks generate noise in the range of 60 to 65 dBA, while larger trucks and trash collection activities generate noise in the range of 70 to 75 dBA at 50 feet. The generation of single event noise levels (SENL) should be no greater than 15 dBA above the noise objectives in the General Plan. Therefore, SENL cannot exceed 80 dBA at the adjacent single family residences. As the trucks are not anticipated to generate levels in excess of 70 to 75 dBA, impacts would be less than significant.

The operation of heating, ventilation, and air condition systems (HVAC) systems could result in noise levels that average between 50 and 65 dBA Leq at 50 feet from the source. As 24-hour CNEL noise levels are about 6.7 dBA greater than 24-hour Leq measurements, the HVAC equipment associated with the proposed project could generate noise levels that average between 57 and 72 dBA CNEL at 50 feet when the equipment is operating continuously over a 24-hour period. These units would be screened which would result in a reduction in the noise levels. With proper screening the noise levels

generated by the HVAC systems would be similar to the existing noise levels and impacts would be less than significant.

Potential Impact: The proposed project could result in a cumulative noise impact.

Finding: The City hereby makes Finding 1 with respect to cumulative noise impacts.

Facts in Support of Findings: Cumulative noise impacts were discussed on pages IV.K-20 through IV.K-22 of the Draft EIR. As discussed, future construction associated with the related projects would result in a cumulatively significant impact with respect to temporary or periodic increases in noise levels. The closest related project is the proposed Lane Ranch Development at the southeast corner of 60th Street West and Avenue L. The proposed Lane Ranch Development would result in significant unavoidable noise impacts to the residences to the east and north. In the event that both of these projects are constructed at the same time, a cumulatively significant impact would occur. However, as the proposed project would not result in significant unavoidable noise impacts, its contribution is not cumulatively considerable.

Cumulative mobile source noise impacts would occur primarily as a result of increased traffic on local roadways due to the proposed project and related projects within the study area. Cumulative development along with the proposed project would increase local noise levels a maximum of 16.8 dBA CNEL. This would occur on the roadway segment of Avenue K-8 east of 60th Street West. However, the traffic generated by the operation of the proposed project would only contribute a maximum of 1.7 dBA CNEL to roadway noise. This would occur on the roadway segment of Avenue L between 65th Street West and 60th Street West. Therefore, the project's contribution is not cumulatively considerable and impacts are less than significant.

L. POPULATION AND HOUSING

The thresholds of significance for population and housing impacts are listed in Section IV.L on pages IV.L-1 and IV.L-2 of the FEIR.

Potential Impact: The proposed project would result in a less than significant impact with respect to substantial population growth in an area, either directly (by proposing new homes and businesses) or indirectly (through extension of roads or other infrastructure).

Finding: The City hereby makes Finding 1 with respect to impacts with respect to substantial population growth associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Population growth, in terms of employment, housing, and population numbers, were addressed on pages IV.L-2 through IV.L-5 of the Draft EIR. As determined in this analysis, the proposed project would result in an increase in employment, population, and housing demand. However, these increases have already been accounted for in the growth projections for the City and impacts would be less than significant.

Potential Impact: The proposed project would result in a cumulative impact with respect to substantial population growth.

Finding: The City hereby makes Finding 1 with respect to cumulative population growth impacts and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Cumulative impacts with respect to population, employment and housing growth were analyzed on pages IV.L-5 and IV.L-6 of the Draft EIR. As determined in this analysis, the cumulative impacts would be less than significant.

M. PUBLIC SERVICES

The thresholds of significance for public service impacts are listed in Section IV.M on pages IV.M-2, IV.M-8, IV.M-13, IV.M-20, and IV.M-23 of the FEIR.

Potential Impact: The proposed project would have a less than significant impact to fire protection services during construction activities.

Finding: The City hereby makes Finding 1 with respect to impacts to fire protection services during construction.

Facts in Support of Findings: As discussed on pages IV.M-2 and IV.M-3 of the Draft EIR, construction activities would increase the potential for accidental fires from mechanical equipment, flammable construction materials and discarded cigarettes. Implementation of good housekeeping practices would minimize the potential for these types of accidents to occur. Construction activities could also affect fire protection services through partial road closures; however, these are not anticipated to cause significant impacts as the closures are announced in advance, flagmen are generally present, and alternative routes are available. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would have a less than significant impact to fire protection services during the operation of the proposed development.

Finding: The City hereby makes Finding 1 with respect to impacts to fire protection services during operation of the development.

Facts in Support of Findings: As discussed on pages IV.M-3 and IV.M-4 of the Draft EIR, operational activities would not result in significant impacts to fire protection services. The proposed project would not involve activities during its operational phase that could impede public access or travel upon public rights-of-way or would interfere with an adopted emergency response or evacuation plan. Hydrants, water lines, and water tanks would be installed per Fire Code requirements and would be based upon the specific land uses of the proposed project. Therefore, with respect to fire flows, fire protection would be adequate. Based on the existing staffing levels, equipment, facilities, and response distance, LACFD would not be able to accommodate the proposed

project's demand for fire protection service without the addition of manpower, equipment, and facilities. With the payment of the required developer fees, the impacts to LACFD would be less than significant. Additionally, Mitigation Measures M.1-1 through M.1-9, have been identified which would reduce impacts to less than significant levels.

Potential Impact: The proposed project in conjunction with the related projects would result in a less than significant cumulative impact with respect to fire protection services.

Finding: The City hereby makes Finding 1 with respect to cumulative fire protection service impacts

Facts in Support of Findings: As discussed on pages IV.M-4 and IV.M-5 of the Draft EIR, implementation of the proposed project in conjunction with the 81 related projects would increase the demand for fire protection services in the project area. Specifically, there would be increased demands for additional LACFD staffing, equipment, and facilities. This need would be funded via existing mechanisms to which the applicants of the proposed project and related project would be required to contribute. In addition, each of the related projects would be individually subject to LACFD review, and would be required to comply with all applicable fire safety requirements of the LAFCD and City of Lancaster in order to adequately mitigate fire protection impacts. No additional mitigation is necessary or required. Therefore, cumulative impacts on fire protection would be less than significant.

Potential Impact: The proposed project would result in a less than significant impact to police services during both construction and operation.

Finding: The City hereby makes Finding 1 with respect to impacts to police services as a result of the proposed project.

Facts in Support of Findings: As discussed on page IV.M-9 of the Draft EIR, during construction the project site can be a source of attractive nuisance if not properly maintained. Additionally, construction activities could cause minor traffic delays. However, impacts to police response time would be minimal and temporary. Therefore, the proposed project's construction-related impacts to police protection services would be less than significant.

Operation of the proposed development would result in a substantial increase in activity on the project site, thus an increase in the demand for police protection services is anticipated. The juxtaposition of the proposed project near sensitive uses such as residences and schools could potentially result in additional crime in the area. However, while the number of calls for police services is expected to increase with development of the proposed project, such calls are typical of problems experienced in existing commercial and residential neighborhoods. Additionally, the Sheriff's Department has stated that the Lancaster Station is staffed and equipped to provide full services to the project site and that no new facilities would be required. Therefore, impacts are less than

significant. However, Mitigation Measures M.2-1 and M.2-2 were identified to further reduce the less than significant impact to police protection services.

Potential Impact: The proposed project would result in a cumulative impact to police protection services.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to police protection services.

Facts in Support of Findings: As discussed on page IV.M-10, the proposed project, in combination with the related projects, would increase the demand for police protection services in the project area. Any new or expanded police station would be funded via existing mechanisms to which the proposed project and related projects would contribute. Furthermore, similar to the proposed project, each of the related projects would be individually subject to LACSD review and would be required to comply with all applicable safety requirements of the LACSD and the City of Lancaster in order to adequately address police protection service demands. While the proposed project in combination with the related projects would increase the demand for police protection services, the proposed project's contribution to this demand would not be cumulatively considerable and impacts would be less than significant. No additional mitigation is necessary or required.

Potential Impact: The proposed project would result in a less than significant impact on schools.

Finding: The City hereby makes Finding 1 with respect to school impacts associated with the proposed project.

Facts in Support of Findings: As discussed on pages IV.M-14 and IV.M-15 of the Draft EIR, the proposed project is a commercial use and as such is not anticipated generate large numbers of students that would need to be accommodate by the existing schools. Specifically, the proposed project is anticipated to generate a total of 20 students: 11 elementary students, 7 middle school students, and 2 high school students. Joe Walker Middle School is currently under capacity and would be able to accommodate the middle school students, while both Quartz Hill Elementary and Quartz Hill High School are over capacity which would result in a potentially significant impact. However, the proposed project would be required to pay school impacts fees in accordance with SB 50. Payment of these fees is considered to provide full and complete mitigation of school facilities impacts. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would result in a cumulative impact to schools.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to schools.

Facts in Support of Findings: As discussed on pages VI.M-15 through VI.M-18 of the Draft EIR and page III-30 of the Final EIR, implementation of the proposed project in

conjunction with the 81 related projects would increase the demand for schools. It is estimated that the related projects in combination with the proposed project would generate approximately 8,201 students. None of the public schools that would serve the proposed project and the related projects would have adequate capacity to accommodate the cumulative student generation. Therefore, new or expanded schools may be needed, which would result in a potentially significant cumulative impact. However, two of the projects involve the addition of school space. As such, these projects would not involve the generation of students, but would instead increase available school space. Additionally, all of the projects would be required to pay required developer fees in accordance with SB 50. These payments are deemed to provide full and complete mitigation of school facilities impacts. The payment of these fees is mandatory and would ensure that cumulative impacts upon school services remain less than significant. No additional mitigation is necessary or required. Therefore, the proposed project's impact on schools would not be cumulatively considerable and cumulative impacts would be less than significant.

Potential Impact: The proposed project would not impact parks and recreational facilities.

Finding: The City hereby makes Finding 1 with respect to park impacts associated with the proposed project.

Facts in Support of Findings: Impacts to parks and recreational facilities were addressed on page IV.M-20 of the EIR. As discussed, the proposed project is a commercial development, not residential and would not generate an increase in permanent residents. No additional mitigation is necessary or required. Therefore, the proposed project would not increase park usage and no impacts would occur.

Potential Impact: The proposed project would result in a cumulative impact to parks.

Finding: The City hereby makes Finding 1 with respect to cumulative park impacts.

Facts in Support of Findings: The proposed project in conjunction with the 81 related projects would increase usage of parks and recreational facilities. Most of the related projects are residential (77) and would generate an increase in permanent population. The proposed project is commercial and would not generate residents. While the project would generate employees, it is not likely that they would utilize parks during work hours, but would utilize the parks near their homes. As the proposed project would result in no impact with respect to parks and recreational facilities, the proposed project's contribution would not be cumulatively considerable and impacts would be less than significant. No additional mitigation is necessary or required.

Potential Impact: The proposed project would not impact library facilities.

Finding: The City hereby makes Finding 1 with respect to impacts to library facilities and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.M-23, the proposed project would not generate new permanent residents which would utilize local library facilities as it is a commercial development. Employees of the development are not likely to utilize library facilities during work hours, instead using facilities closer to their homes. Therefore, no impacts to libraries would occur.

Potential Impact: The proposed project would result in a cumulative impact to library facilities.

Finding: The City hereby makes Finding 1 with respect to impacts to cumulative library impacts and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: The proposed project in conjunction with the 81 related projects would increase usage of library facilities. Most of the related projects are residential (77) and would generate an increase in permanent population. The proposed project is commercial and would not generate residents. While the project would generate employees, it is not likely that they would utilize libraries during work hours, but would utilize the libraries near their homes. As the proposed project would result in no impact with respect to library facilities, the proposed project's contribution would not be cumulatively considerable and impacts would be less than significant.

N. TRANSPORTATION/TRAFFIC

The thresholds of significance for transportation/traffic impacts are listed in Section IV.N on pages IV.N-11 and IV.N-12 of the FEIR.

Potential Impact: The proposed project would have a potentially significant traffic impact at area intersections and roadway segments.

Finding: The City hereby makes Finding 1 and Finding 2 with respect to traffic impacts associated with the proposed project.

Facts in Support of Findings: Traffic impacts associated with the proposed project are discussed on pages IV.N-12 through IV.N-36 of the EIR. As discussed in this section, the proposed project is anticipated to generate approximately 17,076 daily trips with 670 weekday a.m. peak hour trips, 1,528 weekday p.m. peak hour trips, and 2,012 midday Saturday trips. These trips when added to the existing, ambient growth, and related project trips would cause significant impacts at 10 of the 16 intersections and all 8 of the street segments. A total of 23 mitigation measures were identified (N-1 through N-23) which when implemented would reduce all traffic impacts to a less than significant level.

The applicant would be required to pay their fair share of the improvements as determined by the Director of Public Works. Some of the mitigation measures are also conditions of approval for the project. In this instance, the applicant's fair share would be the installation of the improvement. In other instances, the applicant's fair share is covered by the payment of their traffic impact and signal impact fees.

The City has also adopted Ordinance 850, which authorizes the City to collect a separate impact fee for improvements to street segments and intersections located within the County. The funds collected as a result of this ordinance are held in a separate account and will be release to the County to cover the cost of the necessary improvements on County roadways.

Los Angeles County MTA Board has approved the improvement to Avenue L for funding under the 2011 Call for Projects process. Funding for design is scheduled for 2015 and funding for construction is scheduled for 2016 and 2017. Total funding is anticipated at approximately \$6.5 million.

Potential Impact: The proposed project would not create a parking impact.

Finding: The City hereby makes Finding 1 with respect to parking impacts.

Facts in Support of Findings: Parking was discussed on pages IV.N-36 and IV.N-37 of the EIR. The proposed project would provide the required number of parking spaces for the development in accordance with the City’s Municipal Code. No additional mitigation is necessary or required. Therefore, no parking impact would occur.

Potential Impact: The proposed project would not create any impact on Congestion Management Plan (CMP) facilities.

Finding: The City hereby makes Finding 1 with respect to impacts to CMP facilities and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.N-37 of the EIR, for the purposes of the CMP, a substantial change in freeway segments is defined as a 2% increase in the demand to capacity ratio and a change in LOS. A freeway evaluation was conducted and showed a 1.1% increase at LOS D in traffic on the Antelope Valley Freeway. Therefore, no freeway impacts are anticipated as a result of the proposed project. The CMP also indicates that CMP monitoring locations be evaluated for significant traffic impacts if 50 or more trips will travel through the location during the morning or afternoon peak hours. There are no CMP roadway segments or intersections near the project site, and no impact would occur.

Potential Impact: The proposed project would result in a less than significant impact to transit services.

Finding: The City hereby makes Finding 1 with respect to impacts to transit services.

Facts in Support of Findings: As discussed on page IV.N-37, the proposed project is anticipated to generate approximately 837 daily transit trips, with 33 a.m. peak hour trips and 75 p.m. peak hour trips. This is not anticipated to create a significant impact. Additionally, the City periodically reviews AVTA’s service and funding needs and adjusts its contribution accordingly. In addition, the project includes two transit stops to

facilitate transit services to and from the site. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would result in a less than significant cumulative traffic impact.

Finding: The City hereby makes Finding 1 and Finding 2 with respect to cumulative traffic impacts.

Facts in Support of Findings: The traffic analysis referenced above, was a cumulative analysis as it included the traffic generated by the related projects. With implementation of the identified traffic mitigation measures (N-1 through N-23), the proposed project would not generate a cumulatively considerable traffic impact and cumulative impacts would be less than significant.

O. UTILITIES

The thresholds of significance for utilities are listed in Section IV.O on pages IV.O-2, IV.O-10, IV.O-18, IV.O-24, and IV.O-29 of the FEIR.

Potential Impact: Impacts from wastewater generation associated with the proposed project would be less than significant.

Finding: The City hereby makes Finding 1 with respect to wastewater impacts associated with the proposed project.

Facts in Support of Findings: Impacts from wastewater generation were discussed on pages IV.O-2 and IV.O-3 of the EIR. As discussed, the proposed project was anticipated to generate approximately 47,321 gallons per day (gpd) of wastewater. This amount of wastewater is within the remaining capacity of the Lancaster Water Reclamation Plant (LWRP). In response to a letter received from the Sanitation District on the Draft EIR, the generation rates for wastewater were revised. Based on the new generation rates, it is anticipated that the project would generate approximately 74,192 gpd of wastewater (see page III-37 of the Final EIR). This amount of wastewater is still within the capacity of the LWRP. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: Cumulative impacts from wastewater generation would be less than significant.

Finding: The City hereby makes Finding 1 with respect to cumulative wastewater impacts.

Facts in Support of Findings: Cumulative impacts from wastewater generation were discussed on pages IV.O-3 through IV.O-6 of the EIR. As discussed, the proposed project in conjunction with the related projects was anticipated to generate approximately 2,372,502 gpd of wastewater. The LWRP does not currently have sufficient capacity to accommodate all of the wastewater generated by the project and related projects.

However, the LWRP is currently upgrading its facility to process 18 million gpd. With completion of the upgrade, the LWRP would be able to accommodate all of the wastewater generated. In response to a letter received from the Sanitation District on the Draft EIR, the generation rates for wastewater were revised. Based on the new generation rates, it is anticipated that the proposed project and related projects would generate approximately 3,331,323 gpd of wastewater (see page III-39 of the Final EIR). This amount of wastewater is still within the capacity of the LWRP once it is upgraded. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would have a less than significant impact with respect to water consumption.

Finding: The City hereby makes Finding 1 with respect to impacts associated with the amount of water consumed by the project.

Facts in Support of Findings: The amount of water that the proposed project would consume is discussed on page IV.O-11 of the Draft EIR and pages III-39 through III-45 of the Final EIR. It was estimated that the proposed project would use 56,785 gallons of water per day. The water generation rates were revised based on a Sanitation District letter on the Draft EIR. Using the revised rates, the amount of water the proposed project is anticipated to utilize is 90,121 gpd. Los Angeles County Waterworks previously provided a water availability letter for the project. Since that time, the water situation has changed and water availability letters are not currently being issued. However, in a letter dated October 1, 2008, Los Angeles County Waterworks allotted the City of Lancaster 1,000 acre feet to assign to important projects within the City of Lancaster. The City has prepared a Water Allocation Policy to “effectively allocate this limited water supply and ensure that projects moving forward provide the greatest benefit for the City of Lancaster and its residents”. Copies of this policy can be viewed at City Hall. It is assumed that the applicant would apply for water from this allotment in accordance with the policy and be granted the water necessary. Therefore, impacts associated with water resources would be less than significant.

Potential Impact: The proposed project could generate potentially significant cumulative water impacts.

Finding: The City hereby makes Finding 1 with respect to cumulative water impacts associated with the proposed project.

Facts in Support of Findings: Cumulative impacts to water resources were discussed on pages IV.O-12 through IV.O-15 of the Draft EIR and pages III-45 through III-47 of the Final EIR. As discussed the proposed project in conjunction with the related projects would consume approximately 3,998,678 gallons of water per day. This amount of water would significantly impact the available quantities of water. Each related project would be required to obtain a water availability letter prior to project approval and would not be able to move forward without such letter. Therefore, cumulative water impacts would not be significant. Furthermore, the Los Angeles County Waterworks has provided

Lancaster with a specific amount of water to be allocated to priority projects and therefore, the proposed project has a guaranteed source of water; its contribution to this impact would not be cumulatively considerable.

Potential Impact: The proposed project would result in a less than significant impact on solid waste services.

Finding: The City hereby makes Finding 1 with respect to solid waste impacts associated with the proposed project.

Facts in Support of Findings: As discussed on page IV.O-18 of the Draft EIR, the proposed project is anticipated to generate approximately 1,723 pounds of solid waste per day. The Lancaster Landfill and Recycling Center currently is permitted to accept 1,700 tons per day of solid waste and accepts approximately 1,500 tons per day. The proposed project would represent approximately 0.05 percent of the solid waste the Lancaster Landfill and Recycling Center is currently permitted to take on a daily basis and 0.43 percent of the remaining daily permitted throughput. Therefore, adequate capacity exists to accommodate the solid waste generated by the proposed project and impacts would be less than significant. No additional mitigation is necessary or required.

Potential Impact: The proposed project would not result in a cumulatively considerable impact to solid waste.

Finding: The City hereby makes Finding 1 with respect to cumulative solid waste impacts.

Facts in Support of Findings: As discussed on pages IV.O-19 through IV.O-22 of the Draft EIR and page III-49 of the Final EIR, implementation of the proposed project in conjunction with the 81 related projects would generate approximately 142,087 pounds per day (71.04 tons) of solid waste. The Lancaster Landfill and Recycling Center has a remaining capacity of 200 tons per day. As such, it would have adequate existing capacity to handle the 71.04 tons per day as a result of the proposed project in combination with the related projects. Therefore, the proposed project would not contribute to a cumulative considerable effect on solid waste resources. No additional mitigation is necessary or required.

Potential Impact: The proposed project would not significantly impact the Southern California Gas Company's ability to provide natural gas services.

Finding: The City hereby makes Finding 1 with respect to impacts to natural gas supply systems.

Facts in Support of Findings: As discussed on pages IV.O-24 and IV.O-25 of the Draft EIR, the proposed project is expected to consume approximately 33,307 cubic feet of natural gas per day. The Southern California Gas Company anticipates having adequate supply and facilities to serve the project site. As an adequate supply is anticipated, the increase in natural gas consumption as a result of the proposed project would be less than significant. Additionally, the proposed project has built in energy conservation features

(see Section II, Project Description) and shall also comply with Title 24 energy conservation standards which would further reduce the project's less than significant natural gas impact. No additional mitigation is necessary or required.

Potential Impact: Cumulative impacts associated with the related projects would not substantially affect the provision of natural gas services.

Finding: The City hereby makes Finding 1 with respect to impacts to natural gas services.

Facts in Support of Findings: As discussed on pages VI.O-25 through VI.O-28 of the Draft EIR and pages III-49 and III-50 of the Final EIR, implementation of the proposed project in conjunction with the 81 related projects would increase the demand for natural gas. The estimated natural gas consumption by the related projects in combination with the proposed project would be approximately 1,517,438 cubic feet per day. The combined total natural gas consumption of the related and proposed projects would increase demand for natural gas. Future development projects within the service area of the Gas Company would be subject to locally mandated energy conservation programs. As with the proposed project, the Gas Company undertakes expansion or modification of natural gas service infrastructure to serve future growth within its service area as required in the normal process of providing service. Cumulative impacts related to natural gas service would be addressed through this process. No additional mitigation is necessary or required. As such, the proposed project would not contribute to cumulatively considerable effects on natural gas supplies and infrastructure.

Potential Impact: The proposed project would not affect electrical services in the City of Lancaster that would require new facilities

Finding: The City hereby makes Finding 1 with respect to impacts to electricity demand and electricity distribution infrastructure.

Facts in Support of Findings: As discussed on page IV.O-30 of the Draft EIR, the project is expected to consume approximately 14,118 kilowatt hours (kWh) per day of electricity. Southern California Edison undertakes expansion and/or modification of electricity distribution infrastructure and systems to serve future growth in the City of Lancaster as required in the normal process of providing electrical service. No additional mitigation is necessary or required. Impacts related to electrical power distribution would be addressed through this process and impacts would be less than significant.

Potential Impact: Cumulative impacts associated with the related projects would not substantially affect the provision of electrical services.

Finding: The City hereby makes Finding 1 with respect to impacts to electricity demand and electricity distribution infrastructure.

Facts in Support of Findings: As discussed on pages VI.O-30 through VI.O-34 of the Draft EIR and pages III-50 and III-51 of the Final EIR, implementation of the proposed project in conjunction with the 81 related projects would increase the demand for

electricity. The estimated electricity consumption by the related projects in combination with the proposed project would be approximately 236,642 kilowatt hours per day. SCE expects that electricity demand will continue to increase annually and execution of plans for new distribution resources will maintain their ability to serve customers. Therefore, these 81 related projects have been factored into the projected load growth for electricity demands. In addition, like the proposed project, all of the related projects would be required to comply with Title 24 of the CCR, which establishes energy conservation standards for new construction. As a result, cumulative electricity impacts are not expected to be significant. No additional mitigation is necessary or required.

6. FINDINGS ON PROJECT ALTERNATIVES CONSIDERED IN THE DRAFT EIR

The CEQA Guidelines indicate that an EIR must "[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines § 15126.6(a).) Accordingly, the alternatives selected for review in the DEIR and FEIR focus on alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the projects' objectives (i.e., the alternatives could impede to some degree the attainment of project objectives, but still would enable the project to obtain its basic objectives). Three alternatives to the proposed project were considered in the FEIR, as follows:

- Alternative 1: No Project Alternative
- Alternative 2: Existing Zoning Alternative
- Alternative 3: Reduced Density Alternative

Each of these alternatives was considered in terms of their ability to reduce significant impacts of the proposed projects, their feasibility and ability to achieve the project's objectives. The project's objectives are as follows:

- To create development on the currently underutilized project site to provide commercial retail facilities to serve the local community;
- To generate significant sales tax revenues to benefit the general fund;
- To provide a well-designed development that is compatible and complementary with surrounding land uses;
- To provide a development that is financially viable;
- To generate employment opportunities for the local area;
- To mitigate, to the extent feasible, the potential environmental impacts of the proposed project; and
- To provide adequate parking facilities to serve proposed development customers, and employees.

A. *ALTERNATIVES CONSIDERED AND SUBSEQUENTLY DISMISSED*

An EIR must briefly describe the rationale for selection and rejection of alternatives. The Lead Agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (*CEQA Guidelines*, Section 15126.6(f)(3)). This section identifies alternatives considered by the Lead Agency, but rejected as infeasible, and provides a brief explanation of the reasons for their exclusion. As noted above, alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (*CEQA Guidelines*, Section 15126.6(c)). In the Draft EIR, one alternative use and three alternative locations were considered but rejected as infeasible.

Alternative Use

The development of a park on the project site was considered and ultimately rejected as infeasible. This alternative was rejected on the basis that the City does not own the project site and that it would not be economically viable and would not maximize the potential of the project site. Additionally, a 28.05 acre park was approved as part of Tentative Tract Map 53229 on October 17, 2005. This park is to be located at approximately 65th Street West and Avenue K-8, immediately northwest of the project site and would consist of picnic areas, open space areas, tot lots, athletic fields, and ball courts.

Alternative Locations

1. Property Immediately North: Immediately north of the project site is an approximately 20 acre site (APN 3204-008-031) which is zoned for residential uses and currently has an approved Tentative Tract Map (TTM 64922) for the development of 84 single family residences. This site was considered for the proposed project; however, it is not large enough to support the proposed development. Additionally, shifting the proposed project slightly north would not reduce any of the potentially significant impacts identified with the proposed project. Therefore, this alternative was rejected as being infeasible.

2. Property Immediately West: The property immediately to the west of the project site consists of approximately 483 acres and has an approved Tentative Tract Map (TTM 53229) consisting of 1,594 residential lots, a school site, and a park. Moving the proposed project to the west, but still facing Avenue L, was considered but rejected as infeasible because the impacts of the project would remain the same.

3. Property at the Northwest Corner of 60th Street West and Avenue N: This site was initially considered, but rejected as infeasible for two primary reasons. First, the project site is not located within the Lancaster City limits and therefore, the City has no authority to approve or deny a project in this location. Second, while developing the project in this location may reduce some of the impacts associated with developing the project in close proximity to a high school, the impacts that it may reduce were not identified as significant impacts (e.g., impacts to police services). However, the alternative location would increase impacts as a result of the lack of infrastructure (e.g., streets, sanitary sewer, etc.), jurisdictional drainages, and the increased

potential from flooding as a result of the site's proximity to the California Aqueduct (the site is approximately 1,600 feet north of the aqueduct).

From comments received during the public comment period, two other alternative locations were identified. Both of these alternatives were considered and rejected in the FEIR.

1. 70th Street West and Avenue L – This location is approximately 0.5 miles west of the project site on Avenue L. This location was considered in the Draft EIR as part of the alternative location 2 – the property located just west of the project site. As discussed above and in the Draft EIR, the property immediately to the west of the project site consists of approximately 483 acres and has an approved Tentative Tract Map (TTM 53229) consisting of 1,594 residential lots, a school site, and a park. Moving the proposed project to the west, but still facing Avenue L, was considered but rejected as infeasible because the impacts of the project would remain the same.

2. 65th Street West and Avenue M – the location identified by the commenter was the northeast corner of 65th Street West and Avenue M (APN 3204-016-094). This parcel is approximately 17 acres which is too small to support the proposed development. Therefore, it was eliminated from further consideration.

B. ALTERNATIVE 1: NO PROJECT ALTERNATIVE

The No Project Alternative is the circumstance under which the project does not proceed. The CEQA Guidelines, Section 15126(e) provide that the “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved based on current plans and consistent with available infrastructure and community services.

Under the No Project Alternative, the project site would continue to remain vacant and undeveloped, and assumes the continuation of existing conditions at the project site as well as the development of the related projects. The potential environmental impacts associated with the No Project Alternative are described on pages VI-4 through VI-10 of the EIR and also compares the environmental impacts associated with the No Project to those anticipated with the Proposed Project.

The No Project Alternative would avoid most of the environmental impacts associated with the proposed project, but would result in a greater impact with respect to land use and the quality of stormwater runoff when compared to the proposed project. The proposed project would result in significant unavoidable air quality operational impacts which would not occur under the No Project Alternative. In addition, the No Project Alternative would not satisfy any of the project objectives nor would it help to rectify the current job/housing imbalance. With respect to the project objectives, the No Project Alternative would not provide additional employment opportunities and would not provide a development on the currently underutilized project site.

In conclusion, while the No Project Alternative would have less impact than the proposed project, this alternative would fail to meet any of the project's objectives. Further, from a practical standpoint this site would likely be eventually developed given its location, thus leading

to impacts similar to those discussed under Alternative 2 (Existing Zoning Alternative – residential).

Finding: The No Project Alternative would have less environmental impacts than the proposed project; however, it would not achieve any of the project’s objectives, and would most likely result in development as envisioned under Alternative 2 in the long term. The City therefore finds that Alternative 1 is not preferable to the proposed project.

C. ALTERNATIVE 2: EXISTING ZONING ALTERNATIVE

Under the Existing Zoning Alternative (Residential), the project site would developed with approximately 197 single-family residences in accordance with the existing R-7,000 and R-10,000 zoning of the project site. All other aspects of the project remain unchanged. The potential environmental impacts associated with the Existing Zoning Alternative are described on pages VI-10 through VI-19 of the EIR which also compares the environmental impacts associated with the Existing Zoning Alternative to those anticipated with the Proposed Project.

The Existing Zoning Alternative would result in many of the same impacts as the proposed project. However, this alternative would result in greater impacts with respect to air quality during construction, construction noise, schools, parks, libraries and solid waste. The Existing Zoning Alternative would only satisfy some of the project objectives. The proposed project would result in a significant unavoidable operational air quality impact which is not likely to occur under this alternative.

Finding: While Alternative 2 would not create a significant unavoidable operational air quality impact, it would result in greater impacts to other issue areas, including construction air quality, construction noise, schools, parks, libraries, and solid waste. Additionally, this alternative would only meet some of the objectives of the proposed project. The City finds that the Existing Zoning Alternative is less desirable than the proposed project because the alternative does not avoid or substantially lessen a majority of the significant impacts of the proposed project.

D. ALTERNATIVE 3: REDUCED COMMERCIAL DENSITY ALTERNATIVE

Under the Reduce Commercial Density Alternative, a proportionately smaller commercial project would be constructed when compared to the proposed project. Specifically, this alternative would construct a 241,185 square foot development (a 30% reduction compared to the proposed project) similar to the proposed project, but without a big box anchor tenant. All other aspects of the project remain unchanged. The potential environmental impacts associated with this alternative were discussed on pages VI-19 through VI-27 of the EIR which also compares the environmental impacts associated with the Reduced Commercial Density Alternative to those anticipated with the proposed project.

The Reduced Commercial Density Alternative would lessen most of the environmental impacts associated with the proposed project. The proposed project would result in a significant unavoidable impact to operational air quality, while the Reduced Commercial Density Alternative would lessen those impacts. The Reduced Commercial Density Alternative would also satisfy many of the project objectives, but not to the extent that the proposed project would satisfy them.

Additionally, based on the conclusions of The Commons at Quartz Hill (Lancaster, CA) – Analysis of Economic Feasibility of Reduced Commercial Density Alternative and the Addendum to the Environmental Impact Report, the Reduced Density Alternative is not likely to be feasible from a market and financial perspective. Specifically, the prohibition of a “big box” anchor under this alternative would limit the anchor tenants to grocery and drug stores. Based on the size of this alternative (241,185 square feet), the center would be classified as a Community Shopping Center but would not conform to industry standards with respect to anchor tenants and tenant sizes. This would result in difficulty in leasing space to sufficient inline tenants.

Finding: While Alternative 3 would lessen many of the impacts, the lack of the big box anchor tenant would effectively preclude development of its commercial center, since the secondary commercial uses remaining in the proposed project are not likely to develop without the customer draw created by the anchor tenant. Therefore, the City finds that the Reduced Commercial Density Alternative is not economically viable and would not be likely to proceed.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

The Lancaster City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed project against any significant and unavoidable environmental impacts in determining whether to approve the proposed project. If the benefits of the proposed project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the project. With the implementation of the mitigation measures discussed in the DEIR and FEIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed herein. The City Council identified operational air quality impacts as significant and unavoidable.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the project, all other alternatives set forth in the FEIR are infeasible because they would prohibit the realization of the project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the project and having weighed the benefits of the project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the project

outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

- A. The project will create a productive and attractive commercial/retail use, providing convenient shopping for the project vicinity and the western area of the City.
- B. The project will augment the City's economic base by yielding \$134,532 in one-time revenues to the City from sales tax on construction materials and real estate transfer tax. Additionally, over the next 20 years, the project will generate \$38.3 million in tax revenue to the City (\$11.5 million in 2008 dollars). (See *The Commons, Economic Analysis*, pg. 3, attached to hereto as Appendix "B".)
- C. The project will contribute to traffic improvements that will be necessary to hold projected traffic volumes. (See *The Commons at Quartz Hill DEIR*, Section IV-N; *Mitigation Monitoring and Reporting Program*, Section IV above)
- D. The project will provide approximately 580 total full-time and part-time jobs that are vitally important, given the City's unemployment situation. (See *The Commons, Economic Analysis*, pg. 2, attached to hereto as Appendix "B".)
- E. The project will satisfy projected long-term demand for groceries and shopper goods. (See *The Commons, Economic Analysis*, pg. 37 & 46, attached to hereto as Appendix "B".)
- F. The project will expand retail options, with updated, modern, and energy efficient construction, in close proximity to local consumers and provide daytime and nighttime shopping opportunities in a safe and secure environment. (See *The Commons at Quartz Hill DEIR*, pg. II-1 to II-5.)

As the CEQA Lead Agency for the proposed action, the City of Lancaster has reviewed the project description and the alternatives presented in the EIR and fully understands the project and project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, and finds that approval of the project is appropriate.

This Council has identified economic and social benefits and important policy objectives, which result from implementing the project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the project. Given the substantial social and economic benefits that will accrue from the project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may

nonetheless be approved or carried out at the discretion of a public agency...” Finally, California Administrative Code, Title 4, 15093 (a) states: “If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the project outweigh the identified significant adverse environmental impacts of the project that cannot be mitigated. The City Council finds that each of the project benefits outweighs the unavoidable adverse environmental impacts identified in the DEIR and, therefore, finds those impacts to be acceptable.

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
AESTHETICS							
B-1	The project applicant shall submit a Lighting Mitigation Plan that incorporates reduction of night lighting “spill” onto adjacent parcels to the City of Lancaster for review and approval. The approved Lighting Mitigation Plan shall be installed to the satisfaction of the City of Lancaster.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-2	The height of the proposed on-site light standards shall be of such height as not to create a nuisance to the adjacent neighbors.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-3	Entrance and all forms of exterior lighting shall focus illumination downward and onto the project site. A combination of shielding, screening, and directing the lighting away from off-site areas shall be utilized to minimize “spill-over” effects onto adjacent roadways, properties, and open space areas.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-4	Exterior lighting shall be the lowest intensity necessary for security and safety purposes, while still adhering to the recommended levels of the Illuminating Engineering Society of North America.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-5	In order to minimize illumination wash onto adjacent areas, parking lot lighting shall utilize non-glare fixtures directed downward onto the project site.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-6	Parking lot lights shall be oriented to minimize off-site impacts (i.e., the maximum candlepower	Prior to construction,	Receipt of Lighting	Lancaster Planning			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	shall be aimed away from the off-site viewer).	during construction, prior to occupancy	Mitigation Plan, site observation and documentation	Department			
B-7	Atmospheric light pollution shall be minimized by utilizing street lighting fixtures that cut-off light directed to the sky.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-8	The use of exterior uplighting fixtures for building facades and trees shall be prohibited.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-9	Use of "glowing" fixtures that would be visible from existing communities or public roads shall be prohibited. A glowing fixture is a lantern style fixture, or any fixture that allows light through its vertical components.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-10	Only downlighting for exterior-building mounted fixtures shall be permitted.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-11	The adverse effects of night-lighting shall be mitigated by provision of one or more of the following: (1) low-elevation lighting poles and (2) shielding by internal silvering of the globe or external opaque reflectors.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-12	Exterior lighting fixtures that cut-off light directed to the sky shall be installed to minimize atmospheric light pollution, reflected heat, and daytime glare.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-13	Expansive areas of highly reflective materials,	Prior to construction,	Receipt of Lighting	Lancaster Planning			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	such as mirrored glass, shall not be permitted.	during construction, prior to occupancy	Mitigation Plan, site observation and documentation	Department			
B-14	The proposed buildings shall incorporate non-reflective exterior building materials (such as plaster and masonry) in their design. Any glass to be incorporated into the façade of the building shall be either of low-reflectivity, or accompanied by a non-glare coating.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-15	All roofs shall be surfaced with non-reflective materials.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
AIR QUALITY							
D-1	Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).	During construction	Confirmation from project contractor	AVAQMD / Lancaster Public Works Department			
D-2	Apply chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.	During construction	Confirmation from project contractor	AVAQMD / Lancaster Public Works Department			
D-3	Water active grading sites at least three times daily.	During construction	Confirmation from project contractor / Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-4	Enclose, cover, water three times daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
D-5	Replace ground cover in disturbed areas as quickly as possible.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-6	Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-7	Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-8	Sweep streets at the end of the day if visible soil material is carried over to adjacent roads.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-9	Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-10	Enforce traffic speed limits of 10 mph or less on all unpaved roads	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-11	The project applicant shall require in the construction specifications for the proposed project that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, are turned off when not in use for an extended period of time (i.e., 5 minutes or longer). The contract specifications shall be reviewed by the City prior to the issuance of excavation permits.	During construction	Confirmation from project contractor	Lancaster Public Works Department			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
D-12	The project applicant shall require in the construction specifications for the proposed project that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. The contract specifications shall be reviewed by the City prior to the issuance of excavation permits.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
D-13	The project applicant shall be required to use off-road equipment with a diesel oxidation catalyst to reduce emissions of NOx by 25% to mitigate impacts from NOx during the grading phase.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
D-14	Architectural coatings with a VOC content of 50 g/liter or less shall be used to mitigate impacts from VOCs during the paving/architectural coatings phase.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
D-15	The proposed project shall follow the guidelines and regulations outlined by AB 32 and the 2006 CAT Report Strategies.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
BIOLOGICAL RESOURCES							
E-1	To avoid disturbance to nesting birds during project construction, one of the following measures shall be implemented: <ul style="list-style-type: none"> Conduct vegetation clearing and grubbing associated with project construction during the non-breeding season (in general, September 1st through January 31st). Grading activities and other construction activities shall be initiated prior to the breeding season (which is generally in the 	No more than 5 days prior to grading	Receipt of nesting bird survey	Lancaster Planning Department			

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	<p>same period identified above) and shall be ongoing throughout the breeding season to prevent birds from establishing nest in the surrounding habitat. If there is a lapse in grading activities of more than five days, a pre-construction survey and survey report (refer below) shall be completed.</p> <ul style="list-style-type: none"> Conduct pre-construction surveys for nesting birds if vegetation clearing and grubbing, grading, and other construction activities are initiated during the nesting season (in general, February 1st through August 31st). Within 30 days of construction-related activities, A qualified wildlife biologist shall conduct weekly nesting bird surveys with the last survey being conducted no more than 5 days prior to initiation of construction-related activities to provide confirmation on presence or absence of active nests in the vicinity (at least 300 feet around the project site). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At a minimum, construction-related activities in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction activities, depending on the species and location. The perimeter of the exclusion buffer shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and 						

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	<p>construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that (1) no active nests are present, or (2) that the young have fledged, shall be submitted to the City prior to initiation of construction activities in the exclusion buffer. The qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.</p>						
E-2	<p>In order to avoid adverse impacts to burrowing owl, a pre-construction survey for burrowing owls shall be performed on the project site not more than 30 days prior to initial ground disturbance. The survey shall be performed according to accepted burrowing owl survey protocols (CBOC 1993, CDFG 1995) by a qualified biologist. A qualified biologist is an individual who has sufficient knowledge, training, and experience identifying and performing surveys for burrowing owl. Following the completion of the survey and prior to initial ground disturbance, a survey results report shall be prepared and submitted to CDFG and the City. The survey results report shall include (but shall not be limited to) (a) a discussion of the survey methods and results; (b) a map indicating the location of occupied burrows (if detected); and (c) a discussion of additional measures to be implemented to avoid and/or minimize adverse impacts to burrowing owls and</p>	<p>Within 30 days prior to ground disturbance</p>	<p>Receipt of burrowing owls survey</p>	<p>Lancaster Planning Department</p>			

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	<p>associated foraging habitat (if necessary). Such avoidance and minimization measures shall be consistent with those provided below.</p> <p>If the pre-construction survey results in negative findings of burrowing owl on the project site (including the 150 meter [approximately 500 foot] buffer zone), no further mitigation would be required. However, if burrowing owl is detected during the survey, proposed grading and development shall be redesigned to avoid destruction of occupied burrows and/or adverse impacts on burrowing owl habitat to provide compliance with the accepted burrowing owl mitigation guidelines (CBOC 1993, CDFG 1995). The burrowing owl mitigation guidelines (CBOC 1993, CDFG 1995) recommend no disturbance within 50 meters (approximately 160 feet) of occupied burrows during the non-breeding season (generally defined as September 1st through January 31st) or within 75 meters (approximately 250 feet) during the breeding season (generally defined as February 1st through August 31st). Avoidance also includes maintaining a minimum of 6.5 acres of foraging habitat contiguous with occupied burrows for each pair of breeding burrowing owls (with or without dependent young) or single unpaired bird. Occupied burrows and associated foraging habitat shall be permanently preserved and managed to promote burrowing owl use. Should occupied burrows and associated habitat be avoided, avoidance and preservation measures shall be described in the survey results letter to</p>						

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	<p>the satisfaction of the CDFG and the City.</p> <p>If occupied burrows and associated foraging habitat cannot be avoided, then a Passive Relocation and Mitigation Plan (Plan) shall be developed. The Plan shall be developed by a qualified biologist to provide compliance with the accepted burrowing owl mitigation guidelines. Additionally, the Plan shall be developed in coordination with the CDFG. At a minimum, the Plan shall include (but shall not be limited to) (a) a description of the passive relocation methods, including (but not limited to) pre-relocation surveys, installation of one-way doors and monitoring, and burrow excavation; and (b) a description of the receiver site, including (but not limited to) location and extent of lands purchased or made part of a conservation easement, existing presence of burrowing owl, number of natural burrows enhanced and/or artificial burrows created, long-term management and monitoring efforts, success criteria (e.g., a pre-established number of breeding burrowing owls using the receiver site), and remedial measures. Approval of the Plan by CDFG shall be required by the City as a condition of project approval. Additionally, initial ground disturbance shall be postponed until completion of passive relocation efforts and associated report has been submitted to the CDFG.</p>						
E-3	If development activities will result in impacts to the off-site active constructed drainage (such as during development of more detailed grading plans), the applicant shall apply for and receive	Prior to grading and construction	Receipt of regulatory permits (or exemptions) identified in the	Lancaster Planning Department			

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	<p>the following regulatory permits (or exemptions) prior to grading near the off-site active constructed drainage:</p> <ul style="list-style-type: none"> • A Streambed Alteration Agreement from CDFG (Section 1600 permit) • A Notice of Intent to receive coverage under the Lahontan RWQCB's General Permit R6T-2003-0004 for minor streambed alteration projects where the Corps does not have jurisdiction. <p>Mitigation shall include construction measures including Best Management Practices for erosion control, as well as compensatory measures such as restoration of the drainage to the pre-existing condition (or better) and installation of riparian or wetland vegetation at a 1:1 ratio to removed vegetation. These measures, if not included as permit requirements, shall be enforced by the City and shall conform to a mitigation plan to be prepared by the applicant and approved by the City prior to receiving grading permit approvals for the project. The mitigation plan shall include methods for implementation as well as monitoring methods, performance criteria, and contingency measures in case of mitigation failure.</p>		mitigation measure				
CULTURAL RESOURCES							
F-1	All contractors and subcontractors shall be informed about the potential for archaeological and paleontological discoveries during construction, and all construction personnel should be informed on the appropriate responses to such discoveries. The information will include a description of the kinds of cultural resources that might be encountered during construction and the	During grading and construction	Field verification that procedure for cultural resource discovery was followed	Lancaster Planning Department / Lancaster Building and Safety Division			

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	steps to be taken if such a find is unearthed. If buried or concealed cultural resources are discovered during excavation, construction, or related development work, all such work is to cease in the vicinity of the find and a qualified archaeologist shall be notified. The find shall be properly investigated and appropriate mitigative and/or protective measures (if necessary) shall be taken. If human remains are found, procedures for their treatment shall follow CEQA guidelines in 14 CCR 15064.5(e).						
GEOLOGY AND SOILS							
G-1	A comprehensive geotechnical investigation for the project site shall be conducted and submitted to the City of Lancaster as part of the permitting process for the proposed project. The specific design recommendations presented in the comprehensive geotechnical reports, specifically with respect to soil corrosivity, shall be incorporated into the design and construction of the proposed project.	Prior to issuance of grading permits	Receipt of geotechnical investigation	Lancaster Planning Department / Lancaster Building and Safety Division			
HAZARDS AND HAZARDOUS MATERIALS							
H-1	If historic septic systems or cesspools are discovered during site development, they shall be abandoned by the project applicant in general accordance with current county and state regulations.	During grading and construction	Receipt of proper abandonment by current county and state regulations	Lancaster Planning Department / Lancaster Building and Safety Division			
HYDROLOGY AND WATER QUALITY							
I-1	The project applicant shall prepare and submit a Notice of Intent (NOI) to comply with the Construction General Permit to the State Water Resources Control Board.	Prior to construction	Receipt of Notice of Intent	State Water Resources Control Board			

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I-2	The project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and erosion control plan per the requirements of the Construction General NPDES Permit.	Prior to issuance of grading permits	Receipt of SWPPP	Lancaster Planning Department / Lancaster Building and Safety Division			
I-3	<p>The project applicant shall implement the following SWPPP BMPs:</p> <ul style="list-style-type: none"> • During construction and operation, all waste shall be disposed of in accordance with all applicable laws and regulations. Properly labeled recycling bins shall be utilized for recyclable construction materials including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials and wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed, regulated disposal site by a licensed waste hauler. • All leaks, drips and spills occurring during construction shall be cleaned up promptly and in compliance with all applicable laws and regulations to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. • If materials spills occur, they should not be hosed down. Dry cleaning methods shall be employed whenever possible. • Construction dumpsters shall be covered with tarps or plastic sheeting if left uncovered for extended periods. All dumpsters shall be well maintained. • The project applicant/developer shall conduct street sweeping and truck wheel cleaning to prevent dirt in storm water. 	Prior to issuance of grading permits	Receipt of SWPPP	Lancaster Planning Department / Lancaster Building and Safety Division			

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	<ul style="list-style-type: none"> • The project applicant/developer shall provide regular sweeping of private streets and parking lots with equipment designed for removal of hydrocarbon compounds. • The amount of exposed soil shall be limited and erosion control procedures implemented for those areas that must be exposed. • Grading activities shall be phased so that graded areas are landscaped or otherwise covered, as quickly as possible after completion of activities. • Appropriate dust suppression techniques, such as watering or tarping, shall be used in areas that must be exposed. • The area shall be secured to control off-site migration of pollutants. • Construction entrances shall be designed to facilitate removal of debris from vehicles exiting the site, by passive means such as paved/graveled roadbeds, and/or by active means such as truck washing facilities. • Truck loads shall be tarped. • Roadways shall be swept or washed down to prevent generation of fugitive dust by local vehicular traffic. • Simple sediment filters shall be constructed at or near the entrances to the storm drainage system wherever feasible. 						
I-4	The project applicant shall construct the proposed 60-inch storm drain along the site in Avenue L. At the terminus, the drain shall connect into a proposed storm drain, or outlet through an energy dissipater structure. The onsite runoff can be outleted into the proposed	Prior to issuance of grading permits	Confirmation from project contractor	Lancaster Planning Department / Lancaster Building and Safety Division			

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	drain in Avenue L, or the existing storm drain in 60 th Street West, with the approval of the City Engineer.						
I-5	Detention shall be required to reduce the post development runoff to 85 percent of the predevelopment runoff rate.	Prior to issuance of grading permits	Confirmation from project contractor	Lancaster Planning Department / Lancaster Building and Safety Division			
PUBLIC SERVICES – FIRE PROTECTION							
M.1-1	The development of this project shall comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-2	Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-3	Fire sprinkler systems are required in most commercial occupancies. For those occupancies not requiring fire sprinkler systems, fire sprinkler systems shall be installed.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-4	The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-5	Fire hydrant spacing shall be 300 feet and shall	Prior to construction,	Site and building	Los Angeles County			

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	meet the following requirements: a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant. b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced fire hydrant. c. Additional hydrants will be required if hydrant spacing exceeds specified distances. d. When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block. e. A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.	during construction	construction plans and specifications	Fire Department / Lancaster Building and Safety Division			
M.1-6	Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-7	All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior wall of the first story of any building. The centerline of the access driveway shall be located parallel to, and with 30 feet of an exterior wall on one side of the proposed structure.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-8	Driveway width for non-residential developments shall be increased when any of the following conditions will exist: a. Provide 34 feet in width, when parallel parking is allowed in one side of the access	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			

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	roadway/driveway. Preference is that such parking is not adjacent to the structure. b. Provide 42 feet in width, when parallel parking is allowed on each side of the access roadway/driveway. c. Any access way less than 34 feet in width in width shall be labeled "Fire Lane" on the final recording map, and final building plans. d. For streets or driveway with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING – FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.						
M.1-9	Prior to the issuance of a building permit, the applicant shall pay fire protection fees to the City of Lancaster pursuant to Section 15.76 of the Municipal Code.	Prior to issuance of building permit	Receipt of fire protection fees	Lancaster Planning Department/ Lancaster Building and Safety Division			
PUBLIC SERVICES – POLICE PROTECTION							
M.2-1	The applicant shall fence off the project site during the construction phase.	During construction	Site observation and documentation	Lancaster Planning Department			
M.2-1	The building and layout design of the proposed project shall include crime prevention features, such as nighttime security lighting, and building security systems.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Sheriff's Department/ Lancaster Building and Safety Division			

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TRANSPORTATION AND TRAFFIC							
60th Street West and Avenue J							
N-1	Currently 60 th Street West and Avenue J is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. Therefore, the project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-2	Currently the southbound direction provides a left turn lane and a shared lane for the through and right turn directions. The project applicant shall provide fair share contribution for a second southbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
60th Street West and Avenue J-8							
N-3	Currently 60 th Street West and Avenue J-8 is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The southbound and eastbound directions currently provide a left, through, and right turn lane. The project applicant shall provide fair share contribution for a second southbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
60th Street West and Avenue K							
N-4	Currently 60 th Street West and Avenue K is signalized. The southbound direction currently provides a single left, through, and right turn lane. The project applicant shall provide fair share contribution for a second southbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-5	Currently the westbound direction provides a single left, through, and right turn lane. The	Prior to or concurrent with the issuance of	Payment of Fair Share of	Lancaster Planning Department /			

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	project applicant shall provide fair share contribution for a second left turn lane.	building permits	Intersection improvement cost	Lancaster Public Works Department			
60th Street West and Avenue K-8							
N-6	Currently 60 th Street West and Avenue K-8 is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-7	Currently the southbound direction provides a single left, two through lanes, and right turn lane. The project applicant shall provide fair share contribution for conversion of the right turn lane to a through/right turn lane	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
60th Street West and Avenue K-12							
N-8	Currently 60 th Street West and Avenue K-12 is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-9	Currently the northbound direction provides a through lane and a right turn lane. Future conditions with other projects indicate a need for a fourth leg to the intersection. The project applicant shall provide fair share contribution towards a second northbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
60th Street West and Avenue L							
N-10	Currently 60 th Street West and Avenue L is signalized. The northbound direction currently provides a left, through, and right turn lane. The project applicant shall provide fair share contribution to a second northbound through lane. Currently southbound 60 th Street West at	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			

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	Avenue L provides a left turn lane, a through lane with the curb lane wide enough to provide a right turn movement out of the through lane. The southbound and eastbound ultimate roadway improvements were incorporated into this analysis. However, the project applicant shall provide fair share contribution toward an additional northbound through lane.						
60th Street West and Avenue L-4							
N-11	Currently 60 th Street West and Avenue L-4 is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-12	Currently, the northbound direction provides a left turn lane and a through lane. The project applicant shall provide fair share contribution to a second northbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
60th Street West and Avenue L-8							
N-13	Currently 60 th Street West and Avenue L-8 is signalized. The northbound direction provides a left turn lane, a through lane, and a right turn lane. The project applicant shall provide fair share contribution to a second northbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
60th Street West and Avenue M/Columbia Way							
N-14	Currently 60 th Street West and Avenue M/Columbia is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards this	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			

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	improvement.						
N-15	The north and eastbound directions provide a single travel lane. The westbound direction provides a shared through/left turn lane and right turn lane and the southbound direction provides a left and shared through/right turn lane. The lanes should be changed to provide left turn lanes in all directions with a second northbound through lane and in the westbound direction a left, through, through/right, and right turn lane. The project applicant shall provide a fair share contribution to this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
70th Street West and Avenue L							
N-16	Currently 70 th Street West and Avenue L is not signalized. The intersection warrants a traffic signal in future conditions. The project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
65th Street West and Avenue L							
N-17	Currently 65 th Street West at Avenue L is a single lane in the northbound direction. The project applicant shall provide fair share contribution to the separation of the right and left turn moves in the northbound lane, to their own lanes.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
55th Street West and Avenue L							
N-18	Currently 55 th Street West and Avenue L is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards the improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-19	Currently the eastbound direction is a single lane and the westbound direction provides a through	Prior to or concurrent	Payment of Fair	Lancaster Planning			

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	and right turn lane. The project applicant shall provide fair share contribution toward a second east and westbound through lane.	with the issuance of building permits	Share of Intersection improvement cost	Department / Lancaster Public Works Department			
50th Street West and Avenue L							
N-20	This intersection is currently signalized. Currently, there are single through lanes in the east and westbound direction. The project applicant shall provide fair share contribution toward an additional east and westbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
45th Street West and Avenue L							
N-21	This intersection is currently signalized. Currently there is a single through lane in the eastbound direction. The project applicant shall provide fair share contribution toward an additional eastbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
40th Street West and Avenue L							
N-22	This intersection is currently signalized. A single through lane is provided in the eastbound direction. The project applicant shall provide fair share contribution toward a second eastbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
Street Segments							
N-23	The addition of one to three lanes will reduce the significant impacts along the study street segments. The project applicant shall provide fair share contribution to the improvement of Avenue L between 55 th Street West to 60 th Street West for three additional lanes, from 60 th Street West to 62 nd Street West for two additional lanes, and from 62 nd Street West to 65 th Street West for one additional lane. The project applicant shall	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			

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	provide fair share contribution to the improvement of 60 th Street West between Avenue K-8 and Avenue L-8 for three additional lanes.						
UTILITIES - WATER							
O.2-1	The project developer shall ensure that the landscape irrigation system be designed, installed and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.	During construction	Field verification	Lancaster Planning Department / Lancaster Public Works Department			
O.2-2	The project developer shall install either a “smart sprinkler” system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.	During construction	Field verification	Lancaster Planning Department / Lancaster Public Works Department			
O.2-3	The project developer shall select and use drought-tolerant, low-water-consuming plant varieties to reduce irrigation water consumption.	During landscaping	Field verification	Lancaster Planning Department / Lancaster Public Works Department			
O.2-4	The project developer shall install low-flush water toilets in new construction. Low-flow faucet aerators should be installed on all sink faucets.	During interior design construction	Field verification	Lancaster Planning Department / Lancaster Public Works Department Division			

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O.2-5	The City of Lancaster shall allocate water to the proposed project from the 1,000-acre feet of water allotted to the City from County Waterworks.	Prior to occupancy	Field verification	Lancaster Planning Department / Lancaster Public Works Department			

ORDINANCE NO. 984

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA,
AMENDING THE CITY ZONING PLAN FOR 40± ACRES
LOCATED AT THE NORTHWEST CORNER OF AVENUE L AND
60TH STREET WEST, KNOWN AS ZONE CHANGE NO. 06-04

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Lancaster West 60th, LLC, to change the zoning designation on 40± acres of land located at the northwest corner of Avenue L and 60th Street West from R-7,000 (Single Family Residential, one dwelling unit per 7,000 square feet) and R-10,000 (Single Family Residential, one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development); 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 Sections 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, public hearings on the zone change request were held before the Planning Commission on July 7, 2009, and recessed to July 8, 2009; and the City Council on July 21, 2009, and adjourned to July 22, 2009; and

WHEREAS, the City Council previously considered and approved Ordinance No. 930 Amending the City Zoning Plan for 40± Acres Located At The Northwest Corner Of Avenue L And 60th Street West, Known As Zone Change No. 06-04 on July 22, 2009, which approval was challenged in Los Angeles Superior Court Case No. BS 122336 (Appellate Case No. B227957) (the "Action"). As part of the Action, the Court of Appeal considered the adequacy of the Final Environmental Impact Report ("EIR") supporting Ordinance No. 930 and found that on the sole issue of the consideration of the Reduced Commercial Density Alternative, the City failed to provide sufficient evidence that the Reduced Commercial Density Alternative was not economically viable. The Court of Appeal did not, however, order the rescission of Ordinance No. 930 or any other project approvals; and

WHEREAS, a public hearing was held on the zone change request before the City Council on December 11, 2012; and

WHEREAS, pursuant to Section 15090(a)(2) of the California Environmental Quality Act (CEQA) Guidelines, a Final EIR and Addendum has been prepared for the proposed project and approved for certification by the City Council on December 11, 2012, and the City Council considered the information contained in the Final EIR and Addendum prior to making a decision on the amendment of the zoning plan; and

WHEREAS, the City Council hereby makes the following findings in support of the Ordinance, which findings are supported by, and based upon the approvals, findings and considerations upheld by the Court of Appeal in the Action:

1. The proposed zone change from R-7,000 and R-10,000 to CPD is consistent with the General Plan land use designation of C proposed for the subject property.
2. Modified conditions, including a change in the land use designation of the site to provide for a commercial site to serve the western area of the City, warrant a zone change on the site.
3. A need for the proposed zone classification of CPD exists within such area in order to allow for the logical location of commercial development to meet the long-term commercial needs of the western area of the City.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is of the size and shape to allow for the development of a major commercial center, and is located at an intersection where adequate vehicular access will be available.
5. Placement of the proposed commercial 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, facilities, and infrastructure exist to accommodate the proposed commercial development.

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

Section 1. All environmental findings and the statement of overriding considerations as stated in Exhibit "A" of City Council Resolution No. 12-72 are hereby re-adopted for this zone change ordinance.

Section 2. That the subject property is reclassified from R-7,000 (Single-Family Residential, minimum lot size 7,000 square feet) and R-10,000 (Single-Family Residential, minimum lot size 10,000 square feet) to CPD (Commercial Planned Development).

Section 3. 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 _____, 2012, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2013, 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. 984, 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)

RESOLUTION NO. 12-73

A RESOLUTION OF THE CITY COUNCIL OF
LANCASTER, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT NO. 06-09

WHEREAS, a conditional use permit has been requested by Lancaster West 60th, LLC, to construct nine buildings totaling 344,752 square feet (excluding the garden center) of commercial shopping center in the CPD zone on 40± gross acres of land on the northwest corner of Avenue L and 60th Street West as shown on the attached site map; and

WHEREAS, a conditional use permit has been requested by Lancaster West 60th, LLC, on behalf of Wal-Mart, for the incidental off-sale of alcoholic beverages (Alcohol Beverage Control Type 21, Off-Sales General License) at the proposed 196,028 square-foot (excluding the garden center) commercial Major Retail 1 located in the proposed commercial retail center in the CPD zone on 40± gross acres of land on the northwest corner of Avenue L and 60th Street West, as shown on the attached site map; 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 of the Lancaster Municipal Code; and

WHEREAS, notice of intention to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 and Chapter 17.42 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 that the conditional use permit request be approved subject to conditions; and

WHEREAS, a public hearing on the conditional use permit request was held before the Planning Commission on July 7, 2009, and recessed to July 8, 2009; and the City Council on July 21, 2009 and adjourned to July 22, 2009; and

WHEREAS, the City Council previously considered and approved Resolution No. 09-23 Approving Conditional Use Permit 06-09 on July 22, 2009, which approval was challenged in Los Angeles Superior Court Case No. BS 122336 (Appellate Case No. B227957) (the "Action"). As part of the Action, the Court of Appeal considered the adequacy of the Final Environmental Impact Report ("EIR") supporting Resolution No. 09-23 and found that on the sole issue of the consideration of the Reduced Commercial Density Alternative, the City failed to provide sufficient evidence that the Reduced Commercial Density Alternative was not economically viable. The Court of Appeal did not, however, order the rescission of Resolution No. 09-23 or any other project approvals; and

WHEREAS, a public hearing on the conditional use permit request was held before the City Council on December 11, 2012; and

WHEREAS, pursuant to Section 15090(a)(2), a Final Environmental Impact Report (EIR) and Addendum has been prepared for the proposed project and approved for certification by the City Council on December 11, 2012, and the Council considered the information contained within this Final EIR and Addendum prior to making a decision on this conditional use permit; and

WHEREAS, this Council hereby re-adopts the following findings in support of approval of the conditional use permit application, which findings are supported by, and based upon the approvals, findings and considerations upheld by the Court of Appeal in the Action:

1. The proposed 344,752 (excluding the garden center) square foot commercial shopping center will be in conformance with the General Plan land use designation of C (Commercial) for the subject property, and with the following various goals, objectives, policies, and specific actions of the General Plan:
 - Specific Action 16.1.3(g): “Encourage development of usable commercial uses so that there are retail stores ready to provide needed local goods and services in newly developing areas.”
 - Objective 19.1: “Promote the long-term image and livability of Lancaster as a unique community with a strong sense of place through the development and application of comprehensive community design guidelines.”
 - Specific Action 19.2.1(a): “Through the development review process, apply Community Design guidelines in a manner that would allow for the creation of visual identity and character in new growth areas and the preservation of such in existing neighborhoods.”
 - Objective 19.3: “Improve the City’s visual identity by utilizing design standards that instill a sense of pride and well-being in the community.”
 - Policy 19.3.1: “Promote high quality development by facilitating innovation in architecture/building design, site planning, streetscapes, and signage.”
2. The requested uses at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because on-site lighting will be shielded from residential areas to the west and north of the site, landscape planter and a block wall will be installed on the west property line, the hours of delivery will be limited to between 6:00 a.m. and 10:00 p.m., Sunday through Saturday, sufficient on-site parking will be provided, and semi-trucks will be prohibited from ingress/egress on Avenue K-12.

- 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, proposed landscape planters to the north and west of the site will be planted with berms, shrubs, and trees to provide a buffer, and adequate on-site parking and landscaping will be provided. The proposed buildings are of a height compatible with the height limits of the commercial zones, and are designed with adequate setbacks from the adjacent streets.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and traffic facilities and improvements will be part of the project.
 3. The proposed 40± gross acres is adequate in size and shape to accommodate the building, landscape setback, 1,724 parking spaces, and loading facilities, landscaping, buildings, and other development features prescribed in the Zoning Ordinance or as is otherwise required in order to integrate said use with the uses in the surrounding area.
 4. The proposed site is adequately served:
 - a. By Avenue L, Avenue K-12, and 60th Street West, which will be of sufficient width and improved as necessary to carry the anticipated 17,076 daily vehicle trips such use would generate; and
 - b. By other public or private service facilities, including sewer, water, fire, and police services as required.
 5. The proposed project will have effects on the environment, and these effects are insignificant, adequately mitigated, or acceptable due to overriding considerations as noted in Exhibit "A" of the City Council Resolution No. 12-72.
 6. There is a need for the proposed commercial shopping center. The proposed center is located in a developed area surrounded by single family residences to the north, east, and Quartz Hill High School to the south. The uses within the center will provide goods and services to serve the immediate area with commercial retail uses, as well as a larger regional need in the western area of the City.

WHEREAS, it is the intent of this Council that the conditional use permit for the incidental off-sale of alcoholic beverages (Alcohol Beverage Control, Type 21, Off-Sales General License) for Wal-Mart is considered separate and can be revoked apart from the original conditional use permit, if necessary.

WHEREAS, this Council hereby re-adopts the following findings in support of approval of this application for alcohol sales, which findings are supported by, and based upon the approvals, findings and considerations upheld by the Court of Appeal in the Action:

1. The proposed use of incidental off-sale of alcoholic beverages would be located within the proposed 196,028 square foot Wal-Mart retail store and will be in conformance with the General Plan land use designation of C (Commercial).
2. The requested alcohol use at the location proposed will not:
 - a. Adversely affect the nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance and proximity of the proposed alcoholic beverage establishment because the request is for 672 square feet of the sale and display of alcoholic beverages for consumption off the premises. The incidental off-sale of alcoholic beverages are limited to a maximum of 5 percent or 7,500 square feet (whichever is less) of sales floor area for the sale and display of alcoholic beverages. The incidental off-sale of alcoholic beverages are exempt from the established distance requirements to residential districts, and the hours of operation would be limited to between 6:00 a.m. and 12:00 a.m., Sunday through Saturday.
 - b. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because the project would operate in conformance with Chapter 17.42 and conditions of approval have been made a part of the project.
3. The proposed 196,028 square foot Wal-Mart store serves the public convenience and necessity based upon all factors outlined in Chapter 17.42.060.

WHEREAS, this Council, after considering all evidence presented, further finds that approval of the proposed conditional use permit will promote the orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED:

1. This Council hereby re-adopts all findings set forth in Exhibit "A" of City Council Resolution No. 12-72 and hereby re-adopts Mitigation Monitoring Program (Exhibit "B" of City Council Resolution No. 12-72).
2. This Council hereby re-approves Conditional Use Permit No. 06-09 subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2012, 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

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 12-73, 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 _____, _____.

(seal)

RESOLUTION NO. 12-74

A RESOLUTION OF THE CITY COUNCIL OF LANCASTER,
CALIFORNIA, APPROVING TENTATIVE PARCEL MAP
NO. 68150

WHEREAS, a tentative parcel map has been filed by Lancaster West 60th, LLC, for the division of 40± gross acres of land into 8 parcels located on the northwest corner of 60th Street West and Avenue L, 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 CPD Zone; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval of this tentative parcel map subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing on the tentative parcel map held before the Planning Commission on July 7, 2009, and recessed to July 8, 2009; and the City Council on July 21, 2009 and adjourned to July 22, 2009; and

WHEREAS, the City Council previously considered and approved Resolution No. 09-21 Approving Tentative Parcel Map No. 68150 on July 22, 2009, which approval was challenged in Los Angeles Superior Court Case No. BS 122336 (Appellate Case No. B227957) (the "Action"). As part of the Action, the Court of Appeal considered the adequacy of the Final Environmental Impact Report ("EIR") supporting Resolution No. 09-21 and found that on the sole issue of the consideration of the Reduced Commercial Density Alternative, the City failed to provide sufficient evidence that the Reduced Commercial Density Alternative was not economically viable. The Court of Appeal did not, however, order the rescission of Resolution No. 09-21 or any other project approvals; and

WHEREAS, public notice was provided as required by law and a public hearing on the tentative parcel map held before the City Council on December 11, 2012; and

WHEREAS, pursuant to Section 15090(a)(2), a Final Environmental Impact Report (EIR) and Addendum has been prepared for the proposed project and approved for certification by the City Council on December 11, 2012, and the Council considered the information contained within this Final EIR and Addendum prior to making a decision on this tentative parcel map; and

WHEREAS, this Council hereby re-adopts the following findings in support of approval of this tentative parcel map, which findings are supported by, and based upon the approvals, findings and considerations upheld by the Court of Appeal in the Action:

1. The proposed design and improvement of the 8 lot commercial subdivision are consistent with the General Plan land use designation of C (Commercial) for the subject property.
2. The site is physically suitable for the type and intensity of commercial development because adequate roadway capacity and infrastructure exist or can be provided, and the site has not 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 insignificant, can be mitigated as noted in the environmental review section of the staff report, or are acceptable due to overriding considerations as noted in Exhibit "A" of City Council Resolution No.
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) prior to recordation of the final map.
6. The proposed subdivision will not adversely affect housing needs of the region because the City has designated sufficient residential land through its General Plan to meet its identified share of the regional housing need; therefore, the subdivision and use of this site for commercial purposes will not be detrimental to regional housing needs.
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.

WHEREAS, this Council, after considering all evidence presented, further finds that approval of the proposed tentative parcel map will promote the orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED:

1. This Council hereby re-adopts all findings set forth in Exhibit "A" of City Council Resolution No. 12-72 and hereby re-adopts Mitigation Monitoring Program (Exhibit "B" of City Council Resolution No. 12-72).

2. This Council hereby re-approves Tentative Parcel Map No. 68150 subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2012, 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

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 12-74, 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 _____, _____.

(seal)

**ATTACHMENT TO CC RESOLUTION NO.
CONDITIONAL USE PERMIT NO. 06-09, AND
ATTACHMENT TO PC RESOLUTION NO.
TENTATIVE PARCEL MAP NO. 68150
CONDITIONS LIST
December 11, 2012**

GENERAL ADVISORY

1. The approval date of Conditional Use Permit No. 06-09 and Tentative Parcel Map No. 68150 shall be the effective date of Zone Change No. 06-04.
2. All standard conditions as set forth in Planning Commission Resolution Number 06-16 for Conditional Use Permits shall apply, except for Condition Nos. 5d and 31 (modified below).
3. All standard conditions as set forth in Planning Commission Resolution Number 06-12 for Tentative Parcel Maps shall apply, except for Conditions Nos. 24-30, 34-36 and 57-62.
4. All off-site improvements required of CUP No. 06-09 must be installed to the satisfaction of the Director of Public Works at the time of occupancy of any structure within the subdivision for TPM No. 68150.
5. Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Public Works Department, along with required plan check fees, for review and approval prior to the installation of landscaping or irrigation systems. Such plan must be approved prior to issuance of permits. Such plan is 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. 5d).
6. If the project is developed in phases, undeveloped portions of the site shall not contribute to blowing debris and dirt or dust. Compliance with this condition will include, where determined necessary by the Planning Director, the placement of temporary curbs or other techniques to minimize the opportunity for vehicles to enter the undeveloped portions of the property (modified Condition No. 31).
7. Prior to occupancy, record reciprocal access, parking and maintenance agreements to encumber all proposed parcels (Parcel Nos. 1-8) of Tentative Parcel Map No. 68150, as approved by the Planning Director and the City Attorney.
8. Per the direction of the Planning Director, the applicant shall abide by all conditions of the Mitigation Monitoring Program (Exhibit "B").
9. Per the direction of the Planning Director, any overnight parking/camping activities on the premises shall be prohibited.

STREETS

10. Per direction of the Director of Public Works, improve and offer for dedication:
 - 60th Street West at 88 feet of an ultimate 120-foot right-of-way
 - Avenue L at 78 feet of an ultimate 100-foot right-of-way
 - Avenue K-12 (west of Street “C”) at 42 feet of an ultimate 60-foot right-of-way
 - Avenue K-12 (east of Street “E”) at 48 feet of an ultimate 60-foot right-of-way
 - Avenue K-12 (west of Street “E”) at 38 feet of an ultimate 56-foot right-of-way
 - Sidewalks installed along 60th Street West and Avenue L shall incorporate a “meandering” design feature.
11. Per the direction of the Director of Public Works, improve and dedicate additional right-of-way on southbound 60th Street West and westbound Avenue L for an increased capacity intersection.
12. Per the direction of the Director of Public Works, improve the south side of Avenue L, west of 60th Street West (adjacent to QHHS) to complete the increased capacity intersection.
13. Per the direction of the Director of Public Works, restripe westbound Avenue K at the intersection with 60th Street West to provide two left-turn lanes.
14. Per the direction of the Director of Public Works, construct street improvements to widen 60th Street West from Avenue K-12 to Avenue K-8 to accommodate an additional northbound through lane and an 8-foot-wide paved shoulder.
15. Per the direction of the Director of Public Works, install a traffic signal at the intersection of Avenue K-12 and 60th Street West.
16. Per the direction of the Director of Public Works, install a traffic signal on Avenue L at the intersection with the proposed driveway entrance into QHHS parking lot.
17. Per the direction of the Director of Public Works and Planning Director, construct improvements necessary to relocate the westerly QHHS driveway on Avenue L to align it with the proposed westerly project driveway. Any improvements to the QHHS parking lot that are necessary as a result of the driveway relocation shall be performed as shown on the site plan or as otherwise mutually approved by the applicant and Antelope Valley Joint Union High School District.
18. Per the direction of the Director of Public Works, install raised landscape medians with stamped concrete in Avenue L and 60th Street West.

19. Per the direction of the Director of Public Works, provide a left-turn lane in the raised median in westbound Avenue L at the intersection with the driveway entrance into the QHHS parking lot. The lane shall be 350 feet in length with a 120-foot transition.
20. Per the direction of the Director of Public Works, provide a left-turn lane in the raised median in 60th Street West at the intersection with the central main entrance driveway. The lane shall be 200 feet in length with a 120-foot transition. The median shall also be designed and constructed to restrict left-turn egress from this driveway.
21. Per the direction of the Director of Public Works, install right-turn lanes on Avenue L at the two (2) driveways located on the east side and west side of Building No. 2. The lane and dedication shall be 12 feet in width and 90 feet in length, with a 90-foot transition.
22. Per the direction of the Director of Public Works Director, install a right-turn lane and combination bus turnout with amenities (benches, shelter, trash receptacle, etc.) on the north side of Avenue L, west of the intersection at 60th Street West. The lane and dedication shall be 12 feet in width and 140 feet in length with a transition per Standard Plan PW-4.
23. Per the direction of the Director of Public Works, install a bus stop with amenities (benches, shelter, trash receptacle, etc.) on the west side of 60th Street West, south of Avenue K-12.
24. The applicant shall pay a traffic impact fee as adopted by the City Council to be used for the improvement of off-site streets within unincorporated areas of Los Angeles County that would be affected by traffic generated by the project. (All residential and commercial projects within the following boundary are conditioned to pay the traffic impact fee as adopted by City Council to be used for the improvement of offsite streets within the unincorporated areas of Los Angeles County that would be affected by traffic generated by the project). The boundaries are 40th Street West to 100th Street West from Avenue J-8 to Avenue L-8.
25. 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.

DRAINAGE

26. Per the direction of the Director of Public Works, the applicant shall install a 60-inch (reinforced concrete pipe) storm drain in Avenue L from 60th Street West to 62nd Street West. Credit against drainage impact fees will apply for the installation of the Master Plan Drainage Facility.

27. Per the direction of the Director of Public Works, if at the time the storm drain in Avenue L is installed, and the 60-inch reinforced concrete pipe has not been installed in 60th Street West, the applicant shall design and construct adequate catch basins to capture and convey storm run-off from both the southeast and southwest corners of the intersection of these streets.
28. Per the direction of the Director of Public Works, the existing cross-gutters on Avenue L, west of 60th Street West, shall be removed and the street sections reconstructed.
29. Per the direction of the Director of Public Works, install a retention system to mitigate runoff to eighty-five percent of the pre-developed flow, or as otherwise approved by the Director of Public Works, and to recharge the groundwater. The applicant is strongly encouraged to install pervious pavement to help mitigate runoff and to recharge groundwater.
30. All projects where the total landscape area exceeds 5,000 square feet shall be designed to capture on-property, run-off for a 10-year rain event through the use of earth berms, drainage swales, subsurface storage, or other approved methodology as per Section 8.50.058A.1 of Landscape Ordinance No. 907. The berms and landscaping shall be aesthetically pleasing.
31. Per the direction of the Planning Director, landscaping and irrigation shall be provided for the area between the sidewalk and the basin with a combination masonry block wall and tubular steel or wrought iron fencing along the north side of the privately maintained drainage detention basin.
32. Per the direction of the Public Works Director, the trash enclosures wash out drains shall be connected to the drainage clarifier.

OTHER

33. The applicant shall contact the local Postmaster to determine if the location of a postal drop box is desirable in the center. If such a box is desired, the applicant shall pay the Postmaster any fees required for such placement (i.e., purchase of the box) and shall obtain the approval of the Planning Director as to the box location. If the location is in a parking lot or abutting a parking lot, the Director shall consult with the City Traffic official to ensure that a traffic safety hazard will not be created. In the event a box is not desired by the Postal Service, the applicant shall submit a letter from the Postmaster to that effect as a fulfillment of this condition.
34. Per the direction of the Public Works Director, install raised crosswalks (speed tables) or equivalent in the shopping center parking lot as indicated on the site plan.
35. Per the direction of the Director of Public Works, design the ADA path of travel with stamped concrete and flat curbs on both sides unless it conflicts with any laws or regulations in effect at the time of permit issuance.

36. Secure bicycle parking area(s) shall be provided on site. Design and location of such facilities are subject to review and approval of the Planning Director.
37. The Planning Director is authorized to review and approve the elevations of future individual buildings proposed within the commercial center to ensure that they are compatible with the architectural design guidelines established for the overall project. Design and location of such facilities are subject to review and approval of 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. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of subsequent buildings, the matter may be appealed, and the Architectural and Design Commission (ADC) shall render the final decision.
38. Per the direction of the Planning Director, utility boxes or panels shall be incorporated into the design of the building.
39. Per the direction of the Planning Director, prior to issuance of any permits, the applicant shall obtain approval from the Planning Director for the location of the backflow preventers and screen wall.
40. Per the direction of the Planning Director, the applicant shall provide an electronic device for the site to keep shopping carts from leaving the site; this is required to be shown on the grading plan.
41. Per the direction of the Planning Director, the applicant must provide shopping cart storage in the parking lot area and the areas shall not be placed in any required parking space.
42. Per the direction of the Planning Director, delivery hours, parking lot sweeping hours, and trash pick-up hours shall be limited to occur between 6:00 a.m. and 10:00 p.m. The loading dock hours of operation shall be posted on a sign located at the Major Retail 1, Building No. 2, Building No. 4 and Building No. 8 tenant loading dock.
43. Per the direction of the Director of Public Works and Planning Director, the applicant shall prohibit access to oversized truck traffic on Avenue K-12.
44. There shall be a posted sign on the exterior of the premises prohibiting smoking within 20 feet of the entrances to the premises.
45. Per the direction of the Planning Director, all lights located on the west and north property lines shall be shielded to eliminate light/glare spillage onto the adjacent residential uses.
46. Per the direction of the Director of Public Works, comply with all disabled access requirements.

Conditions List

Conditional Use Permit No. 06-09

Tentative Parcel Map. No. 68150

December 11, 2012

Page 6

47. Per the direction of the Planning Director, no signage shall be permitted on the northern and western elevations along the north and west property lines adjacent to residential uses except for Building No. 8. Non-illuminated signage shall be permitted on the western elevation of Building No. 8 located on Parcel 8.
48. Per the direction of the Planning Director, the applicant shall be permitted to install two 20-foot high monument signs; one sign located on Avenue L at the entrance on the east side of Building No. 2; and one sign located on 60th Street West at the central main entrance. All other wall and monument signage shall be regulated by the signage plan adopted pursuant to Standard Condition No. 4 of Resolution No. 06-16 for Conditional Use Permits.
49. Per the direction of the Public Works Director, install metal/lattice covers on all trash enclosures.
50. Per the direction of the Planning Director, install heavy duty concrete pavement at the apron for the trash enclosures.
51. Per the direction of the Planning Director, install a 6-foot-high masonry screen wall along the west property line with a minimum 10-foot-wide planter.
52. Per the direction of the Planning Director, install one evergreen tree spaced every 30 feet on center along the westerly planter.
53. Per the direction of the Planning Director, install a berm and landscaping with evergreen trees to screen the truck well area of Major Retail 1 from future residents to the north.
54. Per the direction of the Planning Director, install an 8-foot-high masonry screen wall along the west side of the pallet and bale area adjacent to Major Retail 1.
55. Per the direction of the Planning Director, install a 10-foot-high masonry screen wall along the west side of Major Retail 1 at the southerly loading dock.
56. Per the direction of the Planning Director, install a 10-foot-high masonry screen wall along the west side of Major Retail 1 adjacent to the trash compactor.
57. Per the direction of the Planning Director, install a 10-foot-high masonry screen wall along the west side of Major Retail 1 north of the trash compactor at the northerly loading dock.
58. Per the direction of the Planning Director, install a 10-foot-high masonry screen wall along the south side of Major Retail 1 adjacent to the trash compactor.
59. Per the direction of the Planning Director, install a 10-foot-high masonry screen wall along the west side of Building No. 2 adjacent to the loading area.

60. Per the direction of the Planning Director, install an 8-foot-high masonry screen wall with a minimum 6-foot-wide landscape planter along the west side of Building No. 4 adjacent to the loading area.
61. Per the direction of the Planning Director, install an 8-foot-high masonry screen wall with a minimum 6-foot-wide landscape planter along the west side of Building No. 8 adjacent to the loading area.
62. Per the direction of the Planning Director, no individual exterior storage allowed outside of the building. Outside storage of seasonal goods shall be allowed as per Section 17.12.070.Q of the Zoning Ordinance.
63. Any trash or graffiti on the premises shall be removed within forty-eight (48) hours.
64. On-site security, including provision of a Sheriff's deputy, shall be provided if determined necessary by the Planning Director. Such determination shall be made after consultation with the Los Angeles County Sheriff's Department and the Applicant.
65. The applicant shall provide conduit connections to a minimum of (36) thirty-six on-site parking stalls to permit the future installation of charging stations for electric vehicles.
66. The applicant shall coordinate with both the Antelope Valley Joint Union High School District and the Westside Union School District in developing a student safety plan for the construction phase of the project, including provisions for pedestrian access, vehicular access and circulation during street construction, restriction of access to the construction site, and notification to school officials and parents regarding the overall construction schedule.
67. Per the Planning Director where provided, all deliveries shall be confined (restricted) to designated loading areas so as not to interfere with customer parking and ADA parking, and/or pedestrian access and site circulation.

ALCOHOL

68. Per the direction of the Planning Director, the Wal-Mart store shall comply with Chapter 17.42 (Alcoholic Beverage Establishments) and Section 17.42.080 (Conditions of Approval for Off-Sale Alcoholic Beverage Establishments) except for Section 17.42.42.080.F to be replaced with, "The sale of alcoholic beverages shall be from 6:00 a.m. to 12:00 a.m., Sunday through Saturday." Any reference to beer and wine shall apply to all alcoholic beverages. In addition, Section 17.42.080.K shall be replaced with, "No sales of separated packages of alcoholic beverages (i.e. individual containers, cans or bottles) shall be allowed.
69. Per the direction of the Planning Director, in the event alcoholic beverages are to be sold, served or given away at additional establishments located on the premises, each applicant shall obtain approval in accordance with Chapter 17.42 (Alcoholic Beverage Establishments).

Conditions List

Conditional Use Permit No. 06-09

Tentative Parcel Map. No. 68150

December 11, 2012

Page 8

70. The amount of floor area approved for alcohol sales at the Wal-Mart store is 672 square feet. The applicant may increase the floor area up to 20 percent or 134 square feet without modification to the conditional use permit.

**ADDENDUM TO ENVIRONMENTAL IMPACT REPORT
THE COMMONS AT QUARTZ HILL
LANCASTER, CA**

October 2012

PROJECT BACKGROUND

The City of Lancaster (“City”), as lead agency under the California Environmental Quality Act, Public Resources Code section 21000, et seq. (“CEQA”), has prepared this Addendum pursuant to CEQA Guidelines § 15164 to address the potential environmental impacts of development of the “Commons at Quartz Hill” (“Project”).

The Project applicant, “Lancaster West 60th, LLC” first sought approval of the Project from the City in October 2006. The Project required a general plan amendment and zone change to re-designate the 40-acre Project site from Urban Residential (UR) to Commercial (C) and to rezone the Project site from R-7,000 and R-10,000 to Commercial Planned Development (CPD). In addition, the Project also required approval of a Tentative Parcel Map, and Conditional Use Permits to allow for the subdivision of the property for commercial development purposes and for the retail sale of alcoholic beverages.

An Environmental Impact Report (“EIR”) was prepared for the Project, which analyzed a total of 344,550 square feet of development. Of this square footage, 285,939 square feet was attributed to two “big-box anchor tenants”: a 196,028 square foot Walmart store, and 89,911 square feet that would be occupied by another anchor tenant. Consistent with the requirements of *CEQA Guidelines* Section 15126.6, the Project EIR evaluated the following three (3) alternatives to the Project: 1) No Project Alternative; 2) Existing Zoning Alternative (whereby the Project site would be developed with 197 residential units instead of commercial development; and 3) Reduced Commercial Density Alternative (a 30% smaller option with no “big-box” anchor tenants) (“Alternative 3”).

CEQA Guidelines Section 15126.6(e) requires that if the environmentally superior alternative is the “no project” alternative, then the EIR must also identify an environmentally superior alternative among the other alternatives. Here, Alternative 3 – the Reduced Commercial Density Alternative – was selected as the “environmentally superior alternative” to the Project within the EIR; however, this alternative was ultimately rejected by the City based upon findings that it would not be economically viable in the absence of an anchor tenant to “draw” secondary commercial uses. The City Council certified the EIR and approved the Project on July 22, 2009.

In response to the City’s approval of the Project, Quartz Hill Cares (“Petitioners”) filed a CEQA action alleging that the City’s approval of the Project and the EIR violated California Planning & Zoning Law, as well as CEQA. The trial court denied the Petition for Writ of Mandate in its entirety on July 16, 2010, upholding the legal adequacy of the EIR and underlying Project approvals. Petitioners filed an appeal of the trial court decision on October 1, 2010.

The Second Appellate District issued its opinion on March 15, 2012, affirming the trial court decision in all respects, finding that the EIR adequately analyzed all environmental impacts associated with the development of the Project, subject to one exception. That exception involved the economic feasibility analysis prepared in connection with Alternative 3. Specifically, the court found that the City failed to provide sufficient evidence to support its conclusion that Alternative 3 was not economically viable, and that the EIR lacked “comparative

data and analysis” between the Project and Alternative 3. This Addendum has been prepared to address the court’s finding in this regard.

PROJECT DESCRIPTION

The Project involves the construction of approximately 344,550 square feet of retail space with 1,728 parking spaces, to be anchored by a Wal-Mart store. The Project is located on the northwest corner of 60th Street West and Avenue L within an urbanized area of the City of Lancaster, California in northern Los Angeles County. More specifically, the Project site is located on the western side of the Antelope Valley within the Quartz Hill community. The San Gabriel Mountains are located approximately seven miles south and southwest of the Project site. The Tehachapi Mountains are located approximately 25 miles northwest of the Project site.

Regional access to the Project area is provided via SR 14/138 (Antelope Valley Freeway), which is located approximately 4.5 miles east of the Project site, while local access to the development would be provided via 60th Street West and Avenue L. The Project site would include three driveway entrances along Avenue L and three driveways along 60th Street West. A proposed roadway to the north would provide additional access via two driveways. No demolition would occur, as the Project site is currently undeveloped.

The proposed Wal-Mart store would consist of all appurtenant structures and facilities and would offer general retail merchandise and groceries, including the sale of alcoholic beverages. Additionally, the proposed Wal-Mart store may include a pharmacy, a vision care center, a food service center, a photo studio, a photo finishing center, a banking center, an arcade, a garden center, outdoor sale facilities, outside container storage facilities, and rooftop proprietary satellite communication facilities. It is proposed to operate 24 hours per day.

ECONOMIC FEASIBILITY OF REDUCED COMMERCIAL DENSITY ALTERNATIVE

To address the deficiencies related to the EIR’s discussion of the economic feasibility of the Reduced Commercial Density Alternative (“Alternative 3”) as identified by the Court of Appeal, the City retained the Natelson Dale Group to prepare additional analysis of the potential market feasibility of Alternative 3. A full copy of this memorandum, “*The Commons at Quartz Hill (Lancaster, CA) – Analysis of Economic Feasibility of Reduced Commercial Density Alternative*”, dated October 22, 2012 (“Memorandum”) is attached as Appendix A. Overall, the Memorandum concludes that Alternative 3 is highly unlikely to be feasible from market and financial perspectives, and provides additional evidentiary support for the EIR’s conclusion that the Alternative 3 is not economically viable, as summarized below.

Specifically, Alternative 3 analyzes a 241,185 square foot development (a 30% reduction compared to the Project) similar to the proposed Project, but without big box anchor tenants. All other aspects of the project would remain unchanged. At 241,185 square feet, Alternative 3 would constitute a community shopping center as defined by the International Council of Shopping Centers (ICSC). Without “big box anchor tenants,” however, the Project’s candidate anchor tenants would be effectively limited to a supermarket and/or a drug store. While

supermarkets and drug stores are suitable anchor tenants for neighborhood shopping centers (which are typically in the range of 150,000 square feet), they are inadequate to support development of a 241,185 square foot community shopping center.¹ Alternative 3 would essentially be an oversized (and therefore economically inefficient) neighborhood center, as the total square footage of the shopping center would be significantly oversized relative to the size and strength of its anchor tenants. The likely result of this scenario is that the shopping center would either be hampered by a relatively high vacancy rate, or would tend to attract marginal and underperforming tenants to fill the excess space. This, in turn, would result in an unsuccessful, economically infeasible, center.

The combined size of a shopping center's anchor tenants directly influences the amount of non-anchor space that the shopping center can be expected to support, because the non-anchor tenants rely on the "drawing power" of the anchor tenants to attract shoppers to the center. Based on standard anchor tenant ratios, a center anchored by only a supermarket and/or a drug store would not have sufficient "drawing power" to support a 241,185 square foot center (a center with these types of anchor tenants would typically be in the 150,000 square foot size range). A 241,185 square foot shopping center developed with only a supermarket and a drugstore as its anchor tenants (a questionable scenario, given that such a center would likely have difficulty securing financing/investors), would be expected to have a relatively high vacancy rate, or would tend to attract marginal or under-performing tenants.

A 241,185 square foot community shopping center without big box anchor tenants would also fail to conform to real estate industry standards in terms of: a) expected anchor tenant types, and b) anchor tenant sizes (i.e., total square feet) relative to the overall gross leasable area (GLA). The relationship between the sizes of the anchor tenants and the overall GLA of the center is especially important. Smaller ("inline") tenants generally lack the "destination" status necessary to attract substantial customer traffic. As such, they rely on being co-located with destination-oriented anchor tenants to operate successfully.

Existing shopping centers in the Antelope Valley and the adjacent Victor Valley trade area generally follow this pattern of development (although there are two slightly larger neighborhood shopping centers within that area that are 170,000 and 178,000 square feet, respectively). Existing shopping centers substantially larger than the typical maximum size of 150,000 square feet are: a) anchored by one or more big-box tenants; b) subject to special circumstances described below that enable them to operate with lower-than-standard anchor tenant ratios; or c) subject to relatively high vacancy rates, indicating that they are economically marginal. The "special circumstances" that may enable a shopping center to be significantly over-sized relative to the strength of its anchor tenants, include: a) adjacency to larger retail centers which in effect serve as anchors for their smaller neighbors; b) proximity to major freeways; or c) the presence of substantial non-retail tenants, with the effect that the actual retail portion of the center is smaller and therefore more in line with the typical size of a neighborhood shopping center.

¹ Although supermarkets and drug stores are listed as typical anchor tenants for community shopping centers, they generally would need to be co-located with one or more large specialty discount stores in order to successfully anchor a genuine community shopping center. A shopping center anchored by only a supermarket and/or drug store would usually be classified as a neighborhood center (which, per the ICSC definitions, would be no more than 150,000 square feet in size).

Neither of the first two “special circumstances” is present here: the Project site is approximately 5 miles from a major freeway and has no neighboring land uses that could serve as de facto anchor tenants for the Project. A project with the characteristics of the third “special circumstance” would fail to meet two key Project objectives (i.e., to provide commercial retail facilities and to generate significant sales tax revenue) would therefore does not fit within the description of Alternative 3 (i.e., similar to the Project but without big box anchor tenants).

For these reasons, it is highly unlikely that the Project could successfully support 241,185 square feet of retail development without big box anchor (or co-anchor) tenants.

THRESHOLDS OF SIGNIFICANCE

The State *CEQA Guidelines* require that EIRs include the identification and evaluation of a reasonable range of alternatives that are designed to reduce the significant environmental impacts of the project while still meeting the general project objectives. Section 15126.6(a) of the CEQA Guidelines states: “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives”.

An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the “rule of reason.”

Section 15126.6(b) of the CEQA Guidelines states: “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.”

Section 15126.6(c) of the CEQA Guidelines provides: “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; or (iii) inability to avoid significant environmental impacts.” Factors that may be taken into account when addressing feasibility and infeasibility are site suitability, economic viability, availability of infrastructure, and technological feasibility.

Analysis

The objectives for the proposed Project are:

- To create development on the currently underutilized project site to provide commercial retail facilities to serve the local community;
- To generate significant sales tax revenue to benefit the general fund;
- To provide a well-designed development that is compatible and complimentary with surrounding land uses;
- To provide development that is financially viable;
- To generate employment opportunities for the local area;
- To mitigate, to the extent feasible, the potential environmental impacts of the proposed project; and
- To provide adequate parking facilities to serve the proposed development customers, and employees.

In the absence of big box-type anchor tenants, the anchor-to-GLA ratio for Alternative 3 would likely be in the range of 31-37%. In contrast, the industry standard ratio for community shopping centers is 40-60%. The low anchor-to-GLA ratio for Alternative 3 would be problematic, in that the market position and overall economic viability of a shopping center is largely determined by the type, size, image and strength of its anchor tenants, which are typically the “destinations” that attract customers to the shopping center. As a general rule, stronger anchor tenants draw more customers from longer distances and thereby enable the center to support more space devoted to non-anchor tenants (since the non-anchor tenants do not generally serve as destinations in their own right, they rely on the anchors to generate traffic and customers for the overall center). In order to be successful, a shopping center’s anchor tenants need to be proportionately strong to the size of the overall center (i.e., the anchor tenants need to collectively have sufficient “drawing power” to attract enough customers to support the center’s non-anchor space). In academic literature, the anchor tenant effect is described as a positive “demand externality.” In other words, anchor tenants create demand for the non-anchor tenants with which they are co-located.

In the absence of anchor tenants that are appropriate to the scale of the overall center, the smaller stores (“inline” tenants) in a shopping center tend to lack the level of traffic generation necessary for viable operation. As a result, shopping center developers typically are unable to secure high-quality inline tenants if their anchor tenants are not proportionately strong to the size of the overall center. For this reason, it would be highly difficult for the Project developer to secure sufficient inline tenants to fill the 241,185 square foot shopping center indicated by Alternative 3, with the consequence that the overall shopping center would not be economically viable. This is verified by letters from potential inline tenants, attached as Appendix B to the Memorandum. Accordingly, Alternative 3 would not meet a basic Project objective of providing development that is financially viable. CEQA Guidelines Section 15126.6(f)(1) specifically provides that economic viability is a factor to be taken into account when addressing the feasibility of alternatives. In theory, Alternative 3 could meet the other remaining Project objectives—

however, in reality Alternative 3 could not feasibly meet **any** of the Project objectives, because Alternative 3 is not economically viable and would not be constructed.

PURPOSE OF ADDENDUM

This Addendum addresses whether changes or additions must be made to the previously adopted EIR in order to fully analyze all impacts of the Project, in light of the information contained within the Memorandum. This Addendum is intended to verify that the development and operation of the Project as proposed in the Memorandum is consistent with the analysis in the EIR, and to further verify that there have been no changes in circumstances or disclosures of new information, as defined by CEQA Guidelines Section 15162, requiring preparation of a Subsequent or Supplemental Environmental Impact Report for the Project.

The City has determined that an Addendum is the appropriate environmental document pursuant to CEQA Guidelines Section 15164, which provides that:

- a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

As discussed herein, the City has determined that none of the following conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred:

- 1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration

due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- 3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - i. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As required by CEQA Guidelines Section 15162, the City has evaluated each of these circumstances as set forth below.

I. No Significant Changes to the Project.

The Project is consistent with the development assumptions relied upon in the EIR for the development of the Commons at Quartz Hill, and there has been no change in the proposed development of the Project. The Memorandum was prepared in response to the Second Appellate District Opinion issued on March 15, 2012, which stated that the EIR lacked substantial evidence to support the conclusion that the Reduced Commercial Density Alternative (“Alternative 3”) was not economically viable. The Memorandum addresses the specific issue identified by the Appellate Court related to the economic viability of Alternative 3. This Addendum provides additional information and data responsive to the Appellate Opinion and provides additional substantiation in the administrative record for the City’s determination under CEQA, but does not propose or involve any change to the Project.

II. No Significant Change in Circumstances.

The circumstances under which the Project will take place are similar to those in effect at the time the Project was initially analyzed in the EIR. The Memorandum analyzes Alternative 3 and concludes that it would not be feasible as it is not economically viable, consistent with the conclusions in the EIR. Accordingly, there has been no significant change in circumstances as defined by CEQA Guidelines § 15162.

III. No Additional or Substantially More Severe Impacts.

Impacts of the Project will be equivalent to those previously analyzed in the EIR, because no changes to the Project will occur, and there has been no change in the proposed development of the site due to preparation of the Memorandum. Accordingly, impacts of the Project with respect to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use Planning, Noise, Population and Housing, Public Services, Transportation/Traffic and Utilities will be identical to those previously analyzed in the EIR. The Project will not result in any new or additional significant impacts to these areas.

With regard to the following effects found not to be significant within the EIR, impacts of the Project will be equivalent to those previously analyzed in the EIR, because no changes to the Project will occur, and there has been no change in the proposed development of the site due to preparation of the Memorandum. Accordingly, the Project will not result in any new or additional significant impacts to those areas previously found not to be significant within the EIR, including:

- Geology and Soils (Landslides, Septic Tanks);
- Hazards and Hazardous Materials (Airport Safety Hazards and Wildland Fire Risks);
- Hydrology and Water Quality (Seiche, Tsunami or Mudflow; Dam/Levee Failure; Placement of Housing within 100 Year Floodplain);
- Mineral Resources (Loss of a Known or Locally Important Mineral Resource);
- Noise (Airport Land Use Plan and Private Airstrip);
- Population and Housing (Displacement of Existing Housing and Persons); and
- Transportation and Traffic (Air Traffic Patterns; Adopted Plans, Policies or Programs Regarding Alternative Transportation).

IV. No Additional Mitigation Measures.

There are no additional mitigation measures or alternatives that could be implemented with regard to the Project in order to substantially reduce one or more of the potentially significant impacts identified in the EIR. Moreover, because there has been no change in the proposed development of the site due to preparation of the Memorandum, impacts of the Project will be identical to those previously analyzed in the EIR, and the Project will not result in any new or additional significant impacts for which mitigation is required.

CIRCULATION OF ADDENDUM FOR PUBLIC REVIEW NOT REQUIRED

Pursuant to CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review. Likewise, the City has determined that the Memorandum need not be circulated separately for public review, because it is an advisory and informational document that is not a 'final' act or determination subject to mandamus review. (*Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal. App. 4th 515). The

Memorandum is discussed and incorporated within this Addendum, and is therefore not required to be circulated separately for public review.

SUMMARY OF FINDINGS

The City finds that none of the conditions described in Section 15162 of the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR have occurred; that preparation of an Addendum is appropriate in connection with preparation of the Memorandum; and that neither the Addendum nor the Memorandum is required to be circulated for public review. More specifically, the City has determined that:

Finding 1. There are no substantial changes to the Project that would require major revisions of the EIR due to new significant environmental effects or a substantial increase in the severity of impacts identified in the previous EIR.

Facts in Support of Finding. The Project has not changed substantially from the development assumptions contained in the previously adopted EIR, and the Project is consistent with the development assumptions contained in the EIR. Accordingly, there have been no substantial changes in the circumstances under which the Project will be developed resulting in new or more severe significant impacts.

Finding 2. No substantial changes have occurred in the circumstances under which the Project is being undertaken that will require major revisions of the previously adopted EIR to disclose new significant environmental effects or that would result in a substantial increase in the severity of the impacts identified in the EIR.

Facts Supporting the Finding. The circumstances under which the Project will be undertaken are accurately and adequately described in the previously adopted EIR. Minor changes, such as the preparation of the Memorandum, do not constitute a change in circumstance such that any additional review is required. This conclusion is supported by the EIR and the recently prepared Memorandum.

Finding 3. There is no additional new information of substantial importance, which was not known at the time of the adoption of the previous EIR, showing any of the following: (1) The Project will have one or more significant effects not discussed in the previous EIR; (2) Significant effects previously examined would be substantially more severe; (3) Mitigation measures or alternatives to the Project previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or; or (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

Facts Supporting the Finding. No new information of substantial importance to the conclusions of the previously adopted EIR has been identified with the analysis of this Addendum or the Memorandum. All impacts will be identical to or less than those analyzed in

the EIR. Moreover, there are no additional mitigation measures or alternatives that could be implemented with the Project in order to substantially reduce one or more significant impacts discussed in the EIR. The Memorandum does not affect the significant impacts discussed in the EIR, and does not suggest additional mitigation measures or alternatives. No additional significant impacts are identified pursuant to this Addendum.

Finding 4. The Addendum and the Memorandum need not be circulated for public review.

Facts Supporting the Finding. Pursuant to CEQA Guidelines Section 15164(c), the Addendum need not be circulated for public review. Because the City's approval of the Addendum would also constitute approval of the Memorandum, which functions as a stand-alone, technical informational document which is discussed and incorporated herein, the Memorandum need not be circulated separately for public review.

MEMORANDUM			
TO:	Jocelyn Swain, Associate Planner City of Lancaster	DATE:	October 24, 2012
FROM:	Roger Dale, Managing Principal The Natelson Dale Group, Inc. (TNDG)	FILE:	#3992
SUBJECT:	The Commons at Quartz Hill (Lancaster, CA) – Analysis of Economic Feasibility of Reduced Commercial Density Alternative		

This memorandum evaluates the potential market feasibility of the Reduced Commercial Density Alternative (Alternative 3) identified in the Environmental Impact Report (EIR) for The Commons at Quartz Hill project (Approved Project). The EIR defines Alternative 3 as follows:

Under the Reduced Commercial Density Alternative, a proportionately smaller project would be constructed when compared to the proposed project. Specifically, this alternative would construct a 241,185 square foot development (a 30% reduction compared to the proposed project) similar to the proposed project, but without big box anchor tenants. All other aspects of the project remain unchanged.

Alternative 3 compares as follows to the Approved Project on the site:

	Approved Project	Alternative 3
Total square feet:	344,550	241,185
Anchor tenants:	<ul style="list-style-type: none"> • Walmart Supercenter • Second anchor tenant (TBD) 	<ul style="list-style-type: none"> • Not defined, but would <u>not</u> include “big box” anchor tenants
Anchor tenant square feet:	<ul style="list-style-type: none"> • Walmart – 196,028¹ • Other anchor – 89,911 • Total – 285,939 	N/A

Methodology

This analysis considers the potential feasibility of the alternative based on the degree to which it would conform to real estate industry standards for economically viable shopping center development. In particular, the analysis considers the extent to which the alternative project would meet industry standards regarding the types and sizes of anchor tenants relative to the overall size of the shopping center. The issue of anchor tenant strength has significant bearing on the feasibility of retail development in that it directly influences the following: a) the attractiveness of a shopping center to consumers (especially the distances that consumers are willing to travel to shop at the center), b) the marketability of the center (i.e., the developer’s ability to attract non-anchor or “inline” tenants to the property), and c) the developer’s ability to secure the financing and/or investment capital needed to develop the project. As background to the assessment of the feasibility of the alternative project, the analysis provides the following:

¹Excludes the outdoor garden area.

- A summary description of contemporary best practices for shopping center development, for shopping centers in the size range of Alternative 3; and
- A survey of existing retail development patterns in the Antelope Valley and in the adjacent Victor Valley trade area, confirming the local applicability of the industry standards.

Summary Conclusion

TNDG believes that the Alternative 3 development concept is highly unlikely to be feasible from market and financial perspectives. This conclusion is based on the following major factors:

- The prohibition of “big box anchor tenants” would effectively limit the center’s candidate anchor tenants to a supermarket and/or a drug store. These types of anchor tenants would be appropriate for a neighborhood-scale shopping center (in the range of 150,000 square feet), but would be inadequate to support development of a 241,185 square foot project. As is summarized in the two following bullet points and detailed later in the memorandum, the combined size of a shopping center’s anchor tenants directly influences the amount of non-anchor space that the shopping center can be expected to support (since the non-anchor tenants rely on the “drawing power” of the anchor tenants to attract shoppers to the center). Based on standard anchor tenant ratios (as further described below), a center anchored by only a supermarket and/or a drug store would not have sufficient “drawing power” to support a 241,185 square foot center (a center with these types of anchor tenants would typically be in the 150,000 square foot size range). If a 241,185 square foot shopping center were developed with only a supermarket and a drugstore as its anchor tenants (which is questionable given that it would likely have difficulty securing financing/investors), the likely result would be that it would either have a relatively high vacancy rate or would tend to attract marginal or underperforming tenants.
- In terms of overall size, a 241,185 square feet center would be classified as a community shopping center. Without big box-type anchor tenants, a center of this size would fail to conform to real estate industry standards in terms of: a) expected anchor tenant types, and b) anchor tenant sizes (i.e., total square feet) relative to the overall gross leasable area (GLA).
- In the absence of big box-type anchor tenants, the anchor-to-GLA ratio for Alternative 3 would likely be in the range of 31-37%. In contrast, the industry standard ratio for community shopping centers is 40-60%. The low anchor-to-GLA ratio for Alternative 3 would be problematic in that the market position and overall economic viability of a shopping center is largely determined by the strength of its anchor tenants (see discussion below on “The Role of Anchor Tenants in Shopping Center Development”). In the absence of anchor tenants that are appropriate to the scale of the overall center, the smaller stores (“inline” tenants) in a shopping center tend to lack the level of traffic generation necessary for viable operation. As a result, shopping center developers typically are unable to secure high-quality inline tenants if their anchor tenants are not proportionately strong to the size of the overall center. For this reason, TNDG believes it would be highly difficult for the project developer to secure sufficient inline tenants to fill the 241,185 square foot shopping center indicated by Alternative 3.

The analysis supporting these findings is detailed below.

The Role of Anchor Tenants in Shopping Center Development

As is emphasized in greater detail below (in the discussion on “Shopping Center Definitions and Standards”), the classification and the ultimate viability of a shopping center is largely determined by the type, size, image and overall strength of its anchor tenants. A shopping center’s anchor tenants are typically the “destinations” that attract customers to the center. As a general rule, stronger anchor tenants draw more customers from longer distances and thereby enable the center to support more space devoted to non-anchor tenants (since the non-anchor tenants do not generally serve as destinations in their own right, they rely on the anchors to generate traffic and customers for the overall center). In order to be successful, a shopping center’s anchor tenants need to be proportionately strong to the size of the overall center (i.e., the anchor tenants need to collectively have sufficient “drawing power” to attract enough customers to support the center’s non-anchor space). In academic literature, the anchor tenant effect is described as a positive “demand externality.” In other words, anchor tenants create demand for the non-anchor tenants with which they are co-located.

In addition to being widely-accepted knowledge in the real estate industry (among developers, leasing agents and retail chain site selectors), the fact that strong anchor tenants are essential to successful shopping center development has been documented in a number of academic studies. Relevant excerpts from three representative studies are provided as follows:

Study: Diana Simona Damian, Jose Dias Curto, Jose Castro Pinto, “The impact of anchor stores on the performance of shopping centres: the case of Sonae Sierra”, Emerald 39 (2011).

Excerpts: “The empirical analysis shows that a greater presence of anchors in a mall directly increases the sales, and consequently the rents of non-anchor tenants in a mall.”

“The authors demonstrate...that the anchor stores increased the malls’ customer drawing power, measured as the number of people who visited the mall at a given time...”

“It is demonstrated that the total sales of the shopping malls are directly influenced by the number of anchors, and that the area allocated to them is a strategic tool.”

Study: Mark Eppli, John D. Benjamin, “The Evolution of Shopping Center Research: A Review and Analysis”, Journal of Real Estate Research, Volume 9, No. 1 (Winter 1994).

Excerpts: “A well-planned shopping center with a desirable tenant mix can also create agglomeration economies for the non-anchor tenants. In fact, shopping center developers select, through active centralized management, an appropriate set of anchor and non-anchor tenants for a given profile.”

“Proponents of retail demand externalities believe that in large shopping centers, low-order good retailers and smaller retailers receive demand externalities from the additional traffic that is generated by high-order anchor retailer(s). The retail sales of

small non-anchor tenants increase when an anchor tenant is present in a shopping center.”

“The customer draw of anchor tenants is primarily dependent on the retailer’s image. Favorable retailer image, which results principally from factors under the chain’s control, can draw customers from greater distances.”

Study: Boudhayan Sen, Jiwoong Shin and K. Sudhir, “Demand Externalities from Co-Location”, Cowles Foundation (Yale University) Discussion Paper No. 1850 (February 2012).

Excerpt: “Mall developers need to evaluate inter-store demand externalities in evaluating store mix in malls. In practice, anchor stores often serve to create foot traffic that provides positive demand externalities for smaller stores and hence are offered rental discounts.”

Shopping Center Definitions and Standards

This analysis utilizes shopping center classifications and characteristics defined by the International Council of Shopping Centers (ICSC) – generally recognized as a leading authority and information source for the retail development industry in the United States. In referring to the ICSC definitions, the following key shopping center characteristics are considered:

- Type/classification of shopping center;
- Size range – square feet of GLA by shopping center type;
- Typical types of anchor tenants associated with each shopping center type;
- Percentage of total GLA typically occupied by a center’s anchor tenant(s).

A detailed chart from ICSC (“U.S. Shopping-Center Classifications and Characteristics”) is attached as Appendix A of this memorandum.

Key characteristics of community-scale shopping centers. In terms of total GLA, both the Approved Project and Alternative 3 would be classified as community shopping centers. Per the ICSC definitions, key characteristics of community shopping centers are as follows:

Typical GLA:	100,000-350,000 square feet
Typical types of anchors:	Discount store, supermarket, drug, large specialty discount (toys, books, electronics, home improvement/furnishings or sporting goods, etc.) ²
% anchor GLA:	40-60%

² Although supermarkets and drug stores are listed as typical anchor tenants for community shopping centers, they generally would need to be co-located with one or more large specialty discount stores in order to successfully anchor a genuine community shopping center. A shopping center anchored by only a supermarket and/or drug store would usually be classified as a neighborhood center (which, per the ICSC definitions, would be no more than 150,000 square feet in size).

The relationship between the sizes of the anchor tenants and the overall GLA of the center is especially important. Smaller (“inline”) tenants generally lack the “destination” status necessary to attract substantial customer traffic. As such, they rely on being co-located with destination-oriented anchor tenants in order to operate successfully.

Conformity of Approved Project and Alternative 3 to industry standards for community shopping centers. Based on the above, the Approved Project would conform precisely to the industry standard for a community shopping center. In particular, the anchor tenant (Walmart Supercenter) would fit the “discount store” tenant type indicated in the ICSC definition. Moreover, Walmart’s square footage would account for 57% of the center’s total GLA and thus be within the standard 40-60% range. The second anchor tenant would potentially bring the anchor/GLA ratio to 83%, which would further enhance the market strength of the project.

In contrast, Alternative 3 would fail to meet the industry standard in terms of both anchor tenant types and anchor/GLA ratio. Per the EIR, Alternative 3 would be developed “without big box anchor tenants.” Based on recognized definitions of “big box” stores (as further described below), this restriction would preclude both the approved Walmart Supercenter and the “large specialty discount” retailers identified by ICSC as typical anchor tenants for community shopping centers. Examples of such non-permissible uses under the Alternative 3 development concept include:

- Big box toy stores (e.g., Toys “R” Us)
- Big box books stores (e.g., Barnes & Noble)
- Big box office supply stores (e.g., Staples)
- Big box home improvement stores (e.g., The Home Depot)
- Big box pet stores (e.g., PetSmart)
- Big box sporting goods stores (e.g., Dick’s Sporting Goods)
- Big box art and craft stores (e.g., Michaels)
- Big box domestic goods stores (e.g., Bed Bath & Beyond)
- Big box consumer electronics stores (e.g., Best Buy)
- Big box party supply stores (e.g., Party City)

In defining “big box” stores it is important to recognize that size alone (i.e., a single square footage threshold) is not an adequate criterion. This fact is acknowledged in numerous academic and policy-oriented publications. Relevant excerpts from two representative studies are provided as follows:

Study: Adam Clanton, Kerry Duffy, Joanna K. Weinberg, Jodene Isaacs, “California Responses to Supercenter Development: A Survey of Ordinances, Cases and Elections”, Public Law Research Institute, University of California, Hastings College of the Law (Spring 2004).

Excerpts: “The wide variance of size used to define big box stores is a reflection of the weakness of a size-based indicator itself.”

“Because of product category, ‘big’ is relative. For example a book retailer occupying 25,000 square feet would qualify as ‘big box.’ On the other hand, a ‘big box’ warehouse outlet like Costco may occupy 120,000 square feet or more. In order to understand the

meaning behind the range of big box size, it is important to understand the range of establishments that typically qualify as big box retail.”

Study: Ken Jones and Michael Doucet, “The Impact of Big Box Development on Toronto’s Retail Structure”, Center for the Study of Commercial Activity (CSCA), Ryerson University (1999-01).

Excerpts: “Before one attempts to analyze the impact of big boxes on more traditional retail forms, it is important to define the term ‘big-box retailing.’ In general terms, the big boxes are large-format stores that typically range in size from 20,000 to over 150,000 square feet. The definition of ‘big’ is, however, relative, and must be related to the product category in question. For the supermarket/grocery sector, a big-box superstore normally must be in the 50,000 to 100,000 square foot range. For warehouse operations, such as PriceCostco, big boxes normally contain 120,000 square feet. In contrast, for book retailers, 25,000 to 50,000 square feet would qualify as a big-box operation. For other specialty retail categories, for example, eye glasses, a 5,000 square-foot store would qualify as a ‘big box.’ The key point is that ‘big-box, category-killer’ stores are several times the size of a traditional outlet in their category.”

Whereas a Michaels store, for example, is not large in an absolute sense (typical store size of 18,200 square feet³), it is considered a big box retailer because it is, according to the CSCA study, nine times the size of a traditional arts and crafts store.

With the above types of stores precluded from Alternative 3, the list of candidate anchor-tenant types available to the project would effectively be reduced to supermarkets and drug stores – i.e., the typical anchor tenants for a neighborhood shopping center (supermarkets and drug stores would generally only serve as anchor tenants for a community shopping center if accompanied by one or more big-box type “specialty discount” stores as co-anchors). Per the ICSC definitions, neighborhood shopping centers are typically in the range of 30,000-150,000 square feet. As such, Alternative 3 would essentially be an oversized (and therefore economically inefficient) neighborhood center (since the total square footage of the center would be oversized relative to the size and strength of its anchor tenants, based on the ratios described above and further evaluated below). Even if it is assumed that the supermarket and drug store tenants would be at the high ends of the standard size ranges for these types of stores (i.e., 65,000 square foot supermarket and 25,000 square foot drug store), the anchor-to-GLA ratio would be only 37% – below even the low end of the acceptable range for a community shopping center. In reality, given typical supermarket sizes in the Antelope Valley (approximately 50,000 square feet for the larger existing stores), the ratio would likely be even lower (31%).

This low anchor-to-GLA ratio would be problematic in that the market position and overall economic viability of a shopping center is largely determined by the strength of its anchor tenants. In the absence of anchor tenants that are appropriate to the scale of the overall center, the smaller stores (inline tenants) in a shopping center tend to lack the level of traffic generation necessary for viable operation. As a result, shopping center developers typically are unable to secure high-quality inline tenants if their anchor tenants are not proportionately strong to the size of the overall center.

³ Per the Retail Tenant Directory (2009 edition) published by Trade Dimensions (The Nielson Company).

Whereas supermarkets and drug stores are excellent anchor tenants for neighborhood shopping centers, they are inadequate anchor tenants for most community centers – unless accompanied by one or more “specialty discount” stores as co-anchors. Given that these types of co-anchors would be precluded from Alternative 3, the center would be over-sized relative to the traffic-generating power of its anchor tenants. This is why supermarket-anchored shopping centers are usually much smaller than the Alternative 3 development concept.

As noted above, the anchor tenant(s) in a neighborhood shopping center usually account for 30-50% of the total GLA (per the ICSC definition/standard). The lower end of this range would generally apply to smaller neighborhood centers, whereas the higher end would typically apply to larger neighborhood centers. If Alternative 3 were hypothetically anchored by a 50,000 square foot supermarket, it could support a total GLA of 100,000 square feet (50,000 square feet divided by 50%). If a 25,000 square foot drug store were included as a second anchor tenant (providing a total of 75,000 square feet of anchor tenant space)⁴, the supportable GLA (assuming the 50% ratio) would be 150,000 square feet. Thus, at the proposed 241,185 square feet, Alternative 3 would be over-sized (relative to the strength of its anchor tenants) by approximately at least 90,000 square feet. The likely result of this scenario would be that the center would either be hampered by a relatively high vacancy rate or would tend to attract marginal or underperforming tenants to fill the excess space.

Review of Existing Retail Development Patterns in Antelope Valley

As part of this analysis, TNDG documented existing retail development patterns in the Antelope Valley to determine the extent to which these patterns are consistent with the industry standards described by ICSC. Specifically, TNDG compiled an inventory of existing shopping centers in the range of 100,000 to 300,000 square feet in the Antelope Valley and in the adjacent Victor Valley trade area. A total of 29 shopping centers in this size range were identified. The inventory was derived from the 2006 Shopping Center Directory⁵ published by National Research Bureau, Inc. and verified by a field survey conducted by TNDG. The compiled inventory is summarized in Table 1 (Antelope Valley shopping centers) and Table 2 (Victor Valley shopping centers).

With only a few exceptions (as described further below), the existing local shopping centers generally follow the “rules” implied by the ICSC definitions in terms of total GLA relative to anchor tenant types and sizes. That is, shopping centers anchored only by supermarkets and/or drug stores (without big box stores as co-anchors) tend to be substantially smaller than the 241,185 square foot development concept described for Alternative 3. Existing neighborhood centers substantially larger than the typical maximum size of 150,000 square feet are: a) anchored by one or more big box tenants, b) subject to special circumstances that enable them to operate with lower-than-standard anchor tenant ratios, or c) subject to relatively high vacancy rates, indicating that they are economically marginal. These special circumstances can generally be categorized as follows:

⁴ It should be emphasized that TNDG has not evaluated actual market demand for either a supermarket or drugstore at the site; the assumed anchor tenants are based on the likely store types available to the project given the “no big box anchor tenant” restriction of Alternative 3.

⁵ This directory has not been published since 2006. However, all relevant information was confirmed and updated based on TNDG’s field survey.

- Proximity to major regional shopping facilities with large anchor tenants, allowing smaller adjacent developments to effectively “borrow” the anchor tenant traffic generation of their larger neighbors;
- Proximity to major freeways (with this condition often coinciding with the presence of regional retail facilities nearby); and/or
- The presence of substantial non-retail tenants, with the effect that the actual retail portion of the center is smaller and therefore more in line with the typical size of a neighborhood shopping center.

Among the 29 existing Antelope Valley and Victor Valley shopping centers in the 100,000 to 300,000 square foot size range, there are several shopping centers that are “exceptions” to the ICSC standards (in terms of being significantly larger than would normally be expected for centers that lack big box anchor tenants) which fall within the special circumstances listed above. These centers, and descriptions of the specific special circumstances which apply to each, are noted as follows⁶:

Antelope Valley Center

43707-43839 North 15th Street, Lancaster

- 190,000 square foot center anchored by CVS (25,500 square feet) and Best Dollar Store (10,400 square feet).
- Special circumstance: total GLA includes a 73,555 square foot medical clinic; thus the retail portion of the GLA is only 116,445 square feet (i.e., in the standard range for a neighborhood center).

Towne Square

East Palmdale Boulevard & 25th Street East, Palmdale

- 200,000 square foot center anchored by Superior Groceries (41,188 square feet) and 99 Cents Only (18,813 square feet).
- Special circumstances: significant portion of the center is occupied by non-retail tenants (U.S. Post Office, DMV, and Palmdale Fitness) totaling approximately 40,000 square feet; thus the retail portion of the GLA is approximately 160,000 square feet (i.e., closer to the standard range for a neighborhood center).
- This center has a relatively high vacancy rate (estimated by TNDG at 12.5%), suggesting that the tenant mix is not optimal from a market standpoint.

Lancaster Marketplace

44950 Valley Central Way, Lancaster

- 268,000 square foot retail center with no anchor tenants.

⁶ In addition to the listed exceptions (which substantially exceed the expected size of a neighborhood shopping center), there are five existing neighborhood centers that more marginally exceed the expected maximum size. The largest among these is Bear Valley Plaza in Victorville, which – at 178,000 square feet – is still more than 63,000 square feet smaller than the Alternative 3 development concept.

- Special circumstances: freeway adjacent; adjacent to Valley Central Shopping Center (610,000 square foot regional shopping center); significant non-retail tenants (church, gym, medical clinics) totaling approximately 30,000 square feet).

Victor Valley Town Center

17180 Bear Valley Road, Victorville

- 213,000 square foot anchored by Vons (64,484 square feet) and Ross Dress for Less (30,187 square feet).
- Special circumstances: close proximity to freeway; adjacent to The Mall of Victor Valley.
- Despite the freeway/mall proximity and the presence of a big-box type co-anchor tenant (Ross Dress for Less), this center has a relatively high vacancy rate (estimated by TNDG at 14%).

Victor Valley Home Center

12429 Mariposa Road, Victorville

- 215,000 square foot center anchored by Cinemark Theatre (30,000 square feet), Vallarta Supermarket (23,980 square feet) and Staples (16,950 square feet).
- Special circumstances: freeway adjacent; across I-15 from The Mall of Victor Valley; strong co-anchor tenants (theater and Staples).

In TNDG's experience, the most important "special circumstances" enabling a shopping center to be significantly over-sized relative to the strength of its anchor tenants are: a) adjacency to larger retail centers which in effect serve as anchors for their smaller neighbors and b) proximity to major freeways. Neither of these conditions applies to The Commons at Quartz Hill site. The site is approximately 5 miles from a major freeway and has no neighboring land uses that could serve as de facto anchor tenants for the project. As such, TNDG believes it is highly unlikely that the project could successfully support 241,185 square feet of retail development without big box anchor (or co-anchor) tenants.

Impact on Interest of Prospective Inline Tenants

The above findings document the critical importance of anchor tenant types and sizes in successful shopping center development. Based on these facts, TNDG believes it would be highly difficult for the project developer to secure sufficient inline tenants to fill a 241,185 square foot shopping center, with the consequence that the overall shopping center would not be economically viable. This conclusion is validated by several candidate tenants – all of which are very interested in locating in the Approved Project but very un-interested in the Alternative 3 development concept. Copies of this correspondence are provided in Appendix B of this memorandum.

**Table 1
Existing Shopping Centers, 100,000 to 300,000 Square Feet
Antelope Valley**

Center/Anchors	Square Feet	Distance from Freeway (miles)	Address	City	Year Built
Challenger Square Superior Groceries	100,000	1.18	1010 Ave J	Lancaster	2000
The Village Plaza Food 4 Less Rite Aid	107,218 45,000 21,297	2.65	2341 E Avenue S	Palmdale	1990
Valley Central Community Center Super Walmart	110,000	0.21	20th St W & W Ave J	Lancaster	1990
Lucky-Thrifty Shopping Center Vacant	110,100 18,000	1.20	44226 10 St W	Lancaster	1980
Albertson's Shopping Center Albertson's	111,115 78,000	0.45	43543 20th St W	Lancaster	1991
Century Plaza East Albertson's Vacant	121,192 42,630 25,800	4.20	Ave. J & 20th St	Lancaster	1991
Antelope Valley Plaza dd's Discounts CVS Vacant	126,295 24,000 25,500 32,000	0.22	2002 W Ave J	Lancaster	1979
Quartz Hill Towne Center CVS Vons	140,306 23,046 49,860	2.74	4033 W Ave L	Lancaster	1991
Palmdale Marketplace Vacant Dollar Tree Vacant	150,000 65,900 17,500 17,500	4.96	SWC 47th St & E Avenue S	Palmdale	1992
Palmdale Mart Von's	160,000 55,300	2.76	NEC SE 25th & E Palmdale Blvd	Palmdale	1984

Center/Anchors	Square Feet	Distance from Freeway (miles)	Address	City	Year Built
Palmdale Place	163,985	2.76	NWC 25th St E & Palmdale Blvd	Palmdale	1986
Vacant	33,442				
Vacant (Burned Down)	45,100				
Rancho Vista Plaza	165,619	2.02	NWC Rancho Vista Blvd & 30th St	Palmdale	1991
Rite Aid	21,300				
Vons	50,485				
West Lancaster Plaza	170,000	1.58	NEC 30th St W & W Ave L	Lancaster	1988
Stater Bros	29,318				
Amargosa Commons Shopping Center	180,000	0.23	SWC 10th St West & Rancho Vista Blvd	Palmdale	2004
Bed Bath & Beyond	25,700				
Vacant	31,713				
T.J. Maxx	21,744				
High Desert Medical Clinic	73,555				
Towne Square	200,000	2.45	E Palmdale Blvd & 25th St E	Palmdale	1987
Vacant	14,000		2210 E Palmdale Blvd		
US Post Office	13,000				
Superior Groceries	41,188				
99 Cents Only	18,813				
Palmdale Fitness	22,894				
Lancaster Marketplace	268,000	0.09	44950 Valley Central Way	Lancaster	1995
No Anchor					

Source: National Research Bureau Shopping Center Directory (2006 edition); The Natelson Dale Group, Inc.

Table 2
Existing Shopping Centers, 100,000 to 300,000 Square Feet
Victor Valley

Center/Anchors	Square Feet	Distance from Freeway (miles)	Address	City	Year Built
Hesperia Marketplace Cardenas Market	105,000	3.10	15555 Main St	Hesperia	1991
Rancherias Plaza CVS Vacant	110,000	4.53	20162 Hwy 18	Apple Valley	1991
Hi Desert Plaza Vacant Dollar Tree	111,000 14,400 25,500	0.68	15250 Bear Valley Rd	Victorville	1983
Target Center Target	123,300 100,000	0.22	15329 Palmdale Rd	Victorville	1982
Liberty Village Stater Bros	135,000 35,232	0.95	13760 Bear Valley Rd	Victorville	1992
Victor Plaza Goodwill Goodyear Vacant	168,151 13,320 7,400 14,299	0.30	14580 Seven St	Victorville	1968
Kiowa Plaza Big Kmart	177,000 86,479	7.72	20777 Bear Valley Rd	Apple Valley	1990
Bear Valley Plaza Albertsons CVS	178,000 47,975 22,325	1.01	13650 Bear Valley Rd	Victorville	1990
Victor Valley Town Center Vacant Ross Dress for Less Vons	213,164 25,820 30,187 64,484	0.20	17180 Bear Valley Rd	Victorville	1987
Victor Valley Home Center Cinemark Theatre Vallarta Supermarket Staples	215,000 30,000 23,980 16,950	0.05	12429 Mariposa Rd	Victorville	1991

Center/Anchors	Square Feet	Distance from Freeway (miles)	Address	City	Year Built
Midtown Square Albertson's Big Kmart OSH	220,000	4.94	16904 Main St	Hesperia	1987
The Village at Bass Hill Walmart	250,000 105,000	4.62 0 from HWY 18	20251 Hwy 18	Apple Valley	1996
The Village Center Party City Vacant OfficeMax Petsmart Toys R Us	275,000 13,000 25,000 23,500 25,088 45,378	0.03	12550 Armagosa Rd	Victorville	1990

Source: National Research Bureau Shopping Center Directory (2006 edition); The Natelson Dale Group, Inc.

APPENDIX A

**ICSC SHOPPING CENTER
CLASSIFICATIONS AND CHARACTERISTICS**



U.S. Shopping-Center Classification and Characteristics

Type of Shopping Center	Concept	Center Count	Aggregate GLA (Sq. Ft.)	% Share of Industry GLA	Average Size (Sq. Ft.)	Typical GLA Range (Sq. Ft.)	Acres	# of Anchors	% Anchor GLA	Typical Number of Tenants	Typical Type of Anchors	Trade Area Size
Malls												
Regional	General merchandise or fashion-oriented offerings. Typically, enclosed with inward-facing stores connected by a common walkway. Parking surrounds the outside perimeter.	818	479,801,230	6.5%	586,554	400,000-800,000	40-100	2+	50-70%	40-80 stores	Full-line or junior department store, mass merchant, discount department store and/or fashion apparel store	5-15 miles
Super Regional	Similar in concept to regional malls, but offering more variety and assortment.	682	828,025,912	11.3%	1,214,114	800,000+	60-120	3+	50-70%	NA	Full-line or junior department store, mass merchant, discount department store and/or fashion apparel store	5-25 miles
Open-Air Centers												
Strip/Convenience	Attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores. Open canopies may connect the store fronts, but a strip center does not have enclosed walkways linking the stores. A strip center may be configured in a straight line, or have an "L" or "U" shape. A convenience center is among the smallest of the centers, whose tenants provide a narrow mix of goods and personal services to a very limited trade area.	62,581	835,427,828	11.4%	13,350	< 30,000	<3	Either anchor-less or with one small convenience store anchor.	NA	NA	Convenience store, such as a mini-mart.	<1 mile
Neighborhood	Convenience oriented.	32,065	2,296,450,416	31.3%	71,619	30,000-150,000	3-5	1+	30-50%	5-20 stores	Supermarket	3 miles
Community	General merchandise or convenience-oriented offerings. Wider range of apparel and other soft goods offerings than neighborhood centers. The center is usually configured in a straight line as a strip, or may be laid out in an L or U shape, depending on the site and design.	9,346	1,836,177,355	25.0%	196,467	100,000-350,000	10-40	2+	40-60%	15-40 stores	Discount store, supermarket, drug, large-specialty discount (toys, books, electronics, home improvement/furnishings or sporting goods, etc.)	3-6 miles
Lifestyle	Upscale national-chain specialty stores with dining and entertainment in an outdoor setting.	384	122,156,480	1.7%	318,116	150,000-500,000	10-40	0-2	0-50%	NA	Large format upscale specialty	8-12 miles
Power Center	Category-dominant anchors, including discount department stores, off-price stores, wholesale clubs, with only a few small tenants.	2,016	815,974,324	11.1%	404,749	250,000-600,000	25-80	3+	70-90%	NA	"Category killers," such as home improvement, discount department, warehouse club and off-price stores	5-10 miles
Theme/Festival	Leisure, tourist, retail and service-oriented offerings with entertainment as a unifying theme. Often located in urban areas, they may be adapted from older--sometimes historic--buildings and can be part of a mixed-use project.	218	28,366,345	0.4%	130,121	80,000-250,000	5-20	Unspecified	NA	NA	Restaurants, entertainment	25-75 miles
Outlet	Manufacturers' and retailers' outlet stores selling brand-name goods at a discount.	331	70,431,798	1.0%	212,785	50,000-400,000	10-50	NA	NA	NA	Manufacturers' and retailers' outlets	25-75 miles
Special Purpose												
Airport Retail	Consolidation of retail stores located within a commercial airport	110	32,077,617	0.4%	291,615	75,000-250,000	NA	NA	NA	NA	No anchors; retail includes specialty retail and restaurants	NA
Total Industry												
Total Industry	Mall + Open-Air + Special Purpose	108,551	7,344,889,305	100.0%	67,663							

APPENDIX B

CORRESPONDENCE FROM PROSPECTIVE TENANTS



April 16, 2012

Mr. Scott Burns
Wilson Commercial Real Estate
11601 Wilshire Blvd., Suite 1650
Los Angeles, CA 90025
Ph. (310) 694-3188
Fax (310) 473-6747
Email: sburns@wcre.net

Scott,

As we discussed, I am working with a national retail auto parts chain, in addition to other national and regional tenants. As these retailers continue to expand in Southern California, they are looking for successful and well-anchored retail opportunities. These users are active in the Antelope Valley and have and will continue to evaluate the proposed development located on the northwest corner of 60th Street West and Avenue L in Lancaster CA. My clients would not consider locating at this project, however, without a suitable anchor tenant. Without a major tenant draw, they would not feel that a location at this intersection, or within this Shopping Center, would support their business.

In addition, based upon my experience working on similar retail projects in Southern California, the anchor Tenant with the largest square footage typically drives the project, and without this engine at work, the other smaller-sized Tenants for the Center would not be as successful nor generate the adequate sales required to open and continue to operate a store at this location.

Clearly a major Anchor Tenant in this project would help to provide the community with a more complete and significant destination retail project that they deserve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Lundin", is written over a light blue horizontal line.

Michael Lundin
Canaan Pacific
(562) 307-7272
michael@canaanpacific.com

PO Box 11326 Marina del Rey, CA 90295



McDonald's USA
3800 Kilroy Airport Way, Suite 200
Long Beach, California 90806
818-312-6238
Fax: 562-685-0626

March 29, 2012

Austin Bettar
Wilson Commercial Real Estate
11601 Wilshire Blvd., Suite 1650
Los Angeles, CA 90025

RE: **LANCASTER, CA**
AVENUE L & 60TH STREET WEST

Dear Mr. Bettar:

McDonalds has interest in pursuing a location at the proposed Wal-Mart anchored project at Avenue L and 60th Street West but will not consider the project without an acceptable anchor tenant. Without an anchor tenant there would not be enough traffic to support a McDonalds at this intersection.

Sincerely,

McDONALD'S USA

A handwritten signature in blue ink that reads "Judy Reyes".

Judy Reyes
Area Real Estate Manager

From: Jim Delehoy [<mailto:JDelehoy@starbucks.com>]
Sent: Monday, March 26, 2012 2:01 PM
To: Austin Bettar
Subject: Commons at Quartz Hills - West Lancaster

Good morning Austin,

This is to confirm that if Wal-Mart Supercenter was to anchor the proposed project at the NWC Avenue L and 60th Street West in Lancaster, Starbucks Coffee would consider pursuing a Drive Thru location at the Center. Without an anchor tenant at this intersection we would not have interest in this location because there would not be enough traffic to support our store

Please keep us apprised on your entitlement and planning timelines.

Thanks.

Jim Delehoy

Store Development Manager

Coffee Master 

STARBUCKS COFFEE COMPANY

17700 Newhope St, Suite 200

Fountain Valley, CA 92708

714-424-1900 x2340 * FAX 714-424-1920

"Care more than others think wise. Risk more than others think safe. Dream more than others think practical. Expect more than others think possible." - Howard Schultz

APPENDIX C

TNDG'S QUALIFICATIONS TO COMPLETE THIS ANALYSIS

The Natelson Dale Group, Inc. (TNDG) is a retail estate, economic and financial consulting firm established in Los Angeles in 1974. The firm serves public and private clients throughout the United States, but primarily in California and Arizona. The firm has a strong focus on retail market analysis, including development feasibility studies for commercial developers; retail attraction and downtown revitalization strategies for municipalities; and retail market impact analyses as part of development approval processes.

TNDG's principal in charge of this assignment, Roger A. Dale, has 24 years' experience in retail market analysis. During the past 15 years he has devoted a substantial portion of his time to the preparation of economic impact ("urban decay") studies as part of CEQA processes. In this regard, he has prepared approximately 65 urban decay studies for major retail projects in southern and central California. Mr. Dale received a Bachelor's degree cum laude in economics from Claremont McKenna College and a Master's degree in resource and environmental economics from the University of California, Riverside.

PLANNING COMMISSION

AGENDA ITEM: 1.

ACTION Approved (6-1-0-0)
Commissioner Ervin voted no

DATE: 07-07-09

STAFF REPORT

**GENERAL PLAN AMENDMENT NO. 06-04
ZONE CHANGE NO. 06-04**

DATE: July 7, 2009

TO: Lancaster Planning Commission

FROM: Planning Department *BL*

APPLICANT: Lancaster West 60th, LLC

LOCATION: 40± gross acres located at the northwest corner of 60th Street West and Avenue L

REQUEST:

1. Amend General Plan land use designation for the subject property from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) to C (Commercial)
2. Rezone property from R-7,000 (single family residential, one dwelling unit per 7,000 square feet) and R-10,000 (single family residential, one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development) Zone

RECOMMENDATION: Adopt Resolution No. 09-19, a resolution of the Planning Commission of the City of Lancaster, California, recommending to the City Council certification of the final environmental impact report, necessary environmental findings, and approval of the General Plan Amendment No. 06-04 and Zone Change No. 06-04.

BACKGROUND: There have been no previous cases heard before the Planning Commission or City Council concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject property is designated UR (Urban Residential, 2.1 to 6.5 dwelling units per acre), is zoned R-7,000 (Single Family Residential, one dwelling unit on 7,000 square feet) and R-10,000 (Single family Residential, one dwelling unit on 10,000 square feet), 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, R-10,000	Vacant, Single Family Residential
EAST	UR	R-7,000, R-10,000	Single Family Residential
SOUTH	S	O	Quartz Hill High School
WEST	UR	R-7,000, R-10,000	Vacant

PUBLIC IMPROVEMENTS: The site is bounded to the south by Avenue L, and bounded to the east by 60th Street West, both of which are partially improved with one travel lane in each direction. All utilities are available or can be extended to serve the site.

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 a newspaper of general circulation per prescribed procedure.

ENVIRONMENTAL REVIEW: A final EIR has been prepared that analyzes the potential impacts of the proposed project. The Planning Commission, prior to taking action on the project, is required to recommend to the City Council whether to certify this final EIR, and make recommendations on required environmental findings. Ultimately, it will be the responsibility of the Council to determine whether the EIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), and to find that the identified environmental effects are insignificant, adequately mitigated, or acceptable due to overriding considerations. These required findings are contained in Exhibit "A" of Resolution No. 09-19. The approval of the Conditional Use Permit and Tentative Parcel Map, if granted, is not in effect unless the General Plan and Zone Change are in effect.

ANALYSIS: The applicant is requesting a General Plan Amendment and Zone Change to change the land use designation of the subject property from UR (Urban Residential; 2.1 to 6.5 dwelling units per acre) to C (Commercial); and to change the zoning from R-7,000 (Single Family Residential, one dwelling unit on 7,000 square feet) and R-10,000 (Single Family Residential, one dwelling unit on 10,000 square feet) to CPD (Commercial Planned Development) Zone. With the proposed amendment and zone change request, the site would allow for the development of a 366,376 square-foot commercial shopping center.

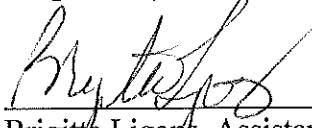
The proposed amendment and zone change represents a conversion of land to commercial, and would provide for some economic benefits to the City in that it would provide for the construction of commercial retail users, and infrastructure would be provided by the developer. Surrounded by residential neighborhoods and Quartz Hill High School, and located at a major intersection on a regional arterial street, the site would be of sufficient size and accessibility to function as a regional commercial location for the western portion of the City. This would implement General Plan Policy 17.1.3 which states, "Provide a hierarchical pattern of attractive commercial developments which

PC Staff Report
General Plan Amendment 06-04 and Zone Change 06-04
July 7, 2009
Page 3

serve regional, community, and neighborhood functions with maximum efficiency and accessibility.”

The proposed General Plan and Zone Change would provide commercial services for the existing residential areas and be appropriately located to serve long-term residential growth projected for this area. In addition, adequate interfacing would be provided between the proposed commercial and existing residential and educational uses through development standards in an effort to promote regional, community and neighborhood retail development needed to serve growing retail demand generated by population growth; therefore, staff is recommending approval of General Plan Amendment No. 06-04 and Zone Change No. 06-04.

Respectfully submitted,



Brigitte Ligons, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 09-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, THE ADOPTION OF NECESSARY ENVIRONMENTAL FINDINGS, THE ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS, APPROVAL OF AN AMENDMENT TO THE ADOPTED GENERAL PLAN OF THE CITY, AND AN AMENDMENT TO THE ADOPTED ZONING PLAN FOR THE CITY, KNOWN AS GENERAL PLAN AMENDMENT NO. 06-04 AND ZONE CHANGE NO. 06-04

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07 an amendment to the adopted General Plan of the City has been initiated by Lancaster West 60th, LLC to re-designate from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) to C (Commercial); and

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 R-7,000 (single family residential, one dwelling unit per 7,000 square feet) and R-10,000 (single family residential, one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development); and

WHEREAS, notice of intention to consider the General Plan amendment and 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 General Plan Amendment and Zone Change requests be approved; and

WHEREAS, a public notice was provided as required by law and a public hearing on the General Plan amendment and zone change requests was held on July 7, 2009; and

WHEREAS, this Commission hereby recommends to the City Council, certification pursuant to Section 15090a)(1) of the California Environmental Quality Act (CEQA) Guidelines, that the final environmental impact report prepared for this proposed project has been completed in compliance with CEQA as described in Section 3 of Exhibit "A" of this resolution; and

WHEREAS, this Commission hereby certifies, pursuant to Section 15090(a)(2) of the State CEQA Guidelines that the final EIR was presented to the Commission, and that the Commission reviewed and considered the information contained in the final EIR prior to making a recommendation to the City Council; and

WHEREAS, pursuant to Section 15090(a)(3) of the State CEQA Guidelines, this Commission hereby recommends that the City Council certify that the final environmental impact report reflects the City's independent judgment and analysis; and

WHEREAS, this Commission based on the evidence in the record, hereby adopts the following findings in support of approval of General Plan Amendment No. 06-04, and recommends that the City Council adopt them:

1. There is a need for the proposed land use designation of C (Commercial) because the commercial designation would provide goods and services to the surrounding residential and, over the long term, act as a regional commercial location for the western portion of the City.
2. The proposed designation of C will be compatible with the existing land use designation of UR surrounding the project site through the application of development standards, lighting standards, landscaping and masonry walls.
3. The proposed amendment is consistent with and implements **Goal 19** of the General Plan, "to achieve an attractive and unique image for the community by creating a sustainable, cohesive and enduring built environment."
4. The proposed amendment is consistent with the following policies and objectives of the General Plan for the reasons stated below:

Policy 16.1.3: "Promote economic self-sufficiency through the application of programs and efforts that help to revitalize local commerce and create a sustainable and prosperous marketplace."

Objective 16.3: "Foster development patterns and growth which contributes to, rather than detract from, net fiscal gains to the City." The project would add to the inventory of buildable commercial lands, and would have the potential to generate revenue for the City.

Policy 17.1.3: "Provide a hierarchical pattern of attractive commercial developments which serve regional, community, and neighborhood functions with maximum efficiency and accessibility." The commercial development is designed to provide valuable retail space in an underserved locale both on a local and regional level within the western area of the City. The site is located on a regional arterial street that will allow for adequate accessibility. The building design will be compatible with the developing character of the area in its design and materials.

5. The proposed amendment would allow for the development of commercial uses where sufficient street access, public services, and utilities are available, or can be made available, and would not impede the provision of a diversity of housing types within the City because a sufficient inventory of single family residential land would still exist within the City if this site is redesignated to commercial.
6. There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment, because the addition of 40 ± gross acres of Commercial land would allow for the opportunity for a range of goods and services to be provided for residents in the immediate vicinity.
7. The proposed amendment would not adversely affect the economic health of the City, because any future development on the site would be subject to the requirements of the City's impact fees and permit requirements, and the site is in an area where all necessary services exist or can be readily provided.
8. The proposed site could be adequately served by necessary services and utilities, including police, fire, electricity, water, sewer, gas, and telephone that already exist in the area, provided that necessary connection and impact fees are paid, based on the standards contained within Objective 15.1 of the General Plan and previous responses from affected service agencies.
9. The proposed amendment will not have an adverse effect on traffic and circulation systems as noted in the final environmental impact report and as discussed in Exhibit "A". Mitigation measures exist to reduce this impact in many cases to less than significant; however, remaining significant effects are considered acceptable due to overriding consideration as noted in Exhibit "A".
10. The proposed amendment is in the public interest because the proposed land use designation is compatible with the existing residential to the north and east or can be adequately buffered by landscaping and block walls from adjacent existing land uses to the west; the proposed development allowed under the Commercial designation can be adequately served by streets, utilities, and public services in the area; and, the proposed land use designation would not adversely affect the regional water supply or the City's economic health.

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. 06-04, and recommends that the City Council adopt them:

1. The proposed zone change from R-7,000 and R-10,000 to CPD is consistent with the General Plan land use designation of C proposed for the subject property.
2. Modified conditions, including a change in the land use designation of the site to provide for a commercial site to serve the western area of the City, warrant a zone change on the site.
3. A need for the proposed zone classification of CPD exists within such area in order to allow for the logical location of commercial development to meet the long-term commercial needs of the western area of the City.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is of the size and shape to allow for the development of a major commercial center, and is located at an intersection where adequate vehicular access will be available.
5. Placement of the proposed commercial 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, facilities, and infrastructure exist to accommodate the proposed commercial development.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby recommends to the City Council certification of the Final Environmental Impact Report (SCH#2007061059) prepared for GPA 06-04 and ZC 06-04 as stated in this Resolution.
2. This Commission hereby recommends to the City Council adoption of all environmental findings and the statement of overriding consideration as contained in Exhibit "A"; and the mitigation measures attached hereto as Exhibit "B".
3. This Commission hereby recommends to the City Council approval of General Plan Amendment No. 06-04 to re-designate the subject property from UR to C.
4. This Commission hereby recommends to the City Council approval of Zone Change No. 06-04 through the adoption of the attached ordinance to rezone the subject property from R-7,000 and R-10,000 to CPD.

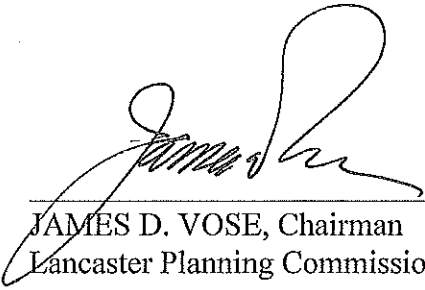
PASSED, APPROVED and ADOPTED this 8th day of July 2009, by the following vote:

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

NOES: Commissioner Ervin.

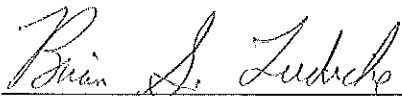
ABSTAIN: None.

ABSENT: None.



JAMES D. VOSE, Chairman
Lancaster Planning Commission

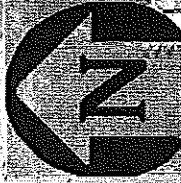
ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

GPA 06-04, ZC 06-04,
CUP 06-09, & TPM 68150

Avenue L



60th Street West

Quartz Hill
High School

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA,
AMENDING THE CITY ZONING PLAN FOR 40± ACRES
LOCATED AT THE NORTHWEST CORNER OF AVENUE L AND
60TH STREET WEST, KNOWN AS ZONE CHANGE NO. 06-04

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Lancaster West 60th, LLC, to change the zoning designation on 40± acres of land located at the northwest corner of Avenue L and 60th Street West from R-7,000 (Single Family Residential, one dwelling unit per 7,000 square feet) and R-10,000 (Single Family Residential, one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development); 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, public hearings on the zone change request were held before the Planning Commission on July 7, 2009, and the City Council on _____; and

WHEREAS, this Council certifies pursuant to Section 15090a)(1) of the California Environmental Quality Act (CEQA) Guidelines, that the final environmental impact report prepared for this proposed project has been completed in compliance with CEQA as described in Section 3 of Exhibit "A" of this resolution; and

WHEREAS, this Council hereby certifies, pursuant to Section 15090(a)(2) of the State CEQA Guidelines that the final EIR was presented to the Council, and that the Commission reviewed and considered the information contained in the final EIR prior to making a recommendation to the City Council; and

WHEREAS, pursuant to Section 15090(a)(3) of the State CEQA Guidelines, this Council certifies that the final environmental impact report reflects the City's independent judgment and analysis; and

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

1. The proposed zone change from R-7,000 and R-10,000 to CPD is consistent with the General Plan land use designation of C proposed for the subject property.
2. Modified conditions, including a change in the land use designation of the site to provide for a commercial site to serve the western area of the City, warrant a zone change on the site..

3. A need for the proposed zone classification of CPD exists within such area in order to allow for the logical location of commercial development to meet the long-term commercial needs of the western area of the City.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is of the size and shape to allow for the development of a major commercial center, and is located at an intersection where adequate vehicular access will be available.
5. Placement of the proposed commercial 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, facilities, and infrastructure exist to accommodate the proposed commercial development.

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

Section 1. That the City Council certified the final EIR and adopted all environmental findings and the statement of overriding consideration as stated in Exhibit "A" of City Council Resolution No. _____.

Section 2. That the subject property is reclassified from R-7,000 (one single-family residential dwelling unit on 7,000 square feet) and R-10,000 (one single-family residential dwelling unit on 10,000 square feet) to CPD (Commercial Planned Development).

Section 3. 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.

Ordinance No.

Page 3

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 _____, 2009, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2009, 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. _____, 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)

EXHIBIT "A"

***FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR
THE COMMONS AT QUARTZ HILL
(GENERAL PLAN AMENDMENT 06-04; ZONE CHANGE 06-04,
CONDITIONAL USE PERMIT 06-09, AND TENTATIVE PARCEL MAP 68150)
ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NUMBER 2007061059***

1. INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines, 14 Cal. Code of Regs. Section 15091 requires that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Having received, reviewed and considered the Final Environmental Impact Report for The Commons at Quartz Hill, dated June 2009 ("FEIR"), which includes but is not limited to the Draft Environmental Impact Report ("DEIR"), Responses to Comments on the DEIR, and all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings ("Findings") are hereby adopted by the City of Lancaster ("City") in its capacity as the CEQA Lead Agency. These Findings set forth the City's environmental basis for approval of General Plan Amendment 06-04, Zone Change 06-04, Conditional Use Permit 06-09, and Tentative Parcel Map 68150 ("proposed project").

A. Format

These Findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the project and overview of the discretionary actions required for approval of the project, and a statement of the project's objectives.
- (3) Section 3 provides a summary of the environmental review conducted in accordance with CEQA and the CEQA Guidelines by the City for the project and a summary of public participation in the environmental review for the project.
- (4) Section 4 sets forth findings regarding those environmental impacts which were determined as a result of the Notice of Preparation (NOP) and consideration of comments received during the NOP comment period either not to be relevant to the project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the FEIR which the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of mitigation measures. In

order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the FEIR which will or which may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.

- (6) Section 6 sets forth findings regarding alternatives to the proposed project.
- (7) Section 7 consists of a Statement of Overriding Considerations which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the project outweigh the project's potential unavoidable environmental effects.

B. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of Lancaster, Planning Department, 44933 Fern Avenue, Lancaster, California 93534. The City Planning Department is the custodian of the administrative record for the project.

2. PROJECT SUMMARY

A. Discretionary Actions

These Findings set forth the environmental basis for current discretionary actions to be undertaken by the City for the approval of the project. These actions include approval of General Plan Amendment No. 06-04, Zone Change 06-04, Conditional Use Permit 07-09, and Tentative Parcel Map 68150.

B. Project Location

The project site is located in the City of Lancaster, at the northwest corner of 60th Street West and Avenue L. The project site is bound by Avenue L to the south, 60th Street West to the east, an undeveloped lot to the west and undeveloped land followed by residential development to the north. The project site is approximately 4.5 miles west of the Antelope Valley Freeway. The project site is currently vacant and undeveloped.

C. Project Description

The proposed project would redesignate and rezone the property and develop a commercial shopping center on the project site. The City of Lancaster General Plan designates the project site as Urban Residential (UR) and the zoning code designates the project site as Single Family Residential, minimum lot size 7,000 square feet (R-7,000) and minimum lot size 10,000 square feet (R-10,000). The project site is currently undeveloped.

The proposed project would include a general plan amendment and zone change to redesignate the project site from UR to Commercial (C) and rezone the project site from R-7,000 and R-10,000 to Commercial Planned Development (CPD). The project site is approximately 40 acres. Development on the project site would include approximately 344,550 square feet of commercial retail and restaurant facilities. The two anchor tenants would be located on the west side of the project site, with loading docks located in the back of each building. The inline retail structure and anchors would be oriented toward 60th Street West, pad buildings along the perimeter of the project site would front 60th Street West and wrap the corner to Avenue L, surface parking would be provided at the interior of the site. The only known tenant at this time for the project is a Walmart Supercenter.

Development on the project site would include approximately 1,728 parking spaces and access to the development would be provided via both 60th Street West and Avenue L. The project site would include three driveway entrances along Avenue L and three driveways along 60th Street West. In addition, a proposed roadway, Avenue K-12 to the north, would provide additional access with two driveways. No demolition would occur as the project site is currently undeveloped.

The proposed Walmart Supercenter would consist of all appurtenant structures and facilities and would offer general retail merchandise and groceries, including, without limitation, alcohol for off-site consumption, pool chemicals, petroleum products, pesticides, paint products, and ammunition. The proposed Walmart Supercenter store may include a pharmacy, a vision care center, a food service center, a photo studio, a photo finishing center, a banking center, an arcade, a garden center, outdoor sale facilities, outside container storage facilities, and rooftop proprietary satellite communication facilities. The proposed Walmart Supercenter would operate 24 hours a day.

D. Project Objectives

The following objectives have been established for the proposed project:

- To create development on the currently underutilized project site to provide commercial retail facilities to serve the local community;
- To generate significant sales tax revenues to benefit the general fund;
- To provide a well-designed development that is compatible and complementary with surrounding land uses;
- To provide a development that is financially viable;
- To generate employment opportunities for the local area;
- To mitigate, to the extent feasible, the potential environmental impacts of the proposed project; and

- To provide adequate parking facilities to serve the proposed development customers and employees.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The environmental review process for the proposed project is summarized as follows.

On June 4, 2007, the City issued a Notice of Preparation (“NOP”) for the proposed project in accordance with the requirements of CEQA and the CEQA Guidelines; publication of the Notice of Preparation occurred in the Antelope Valley Press on June 8, 2007 and June 10, 2007. However, an error was discovered on the NOP and it was therefore republished on June 14, 2007. The NOP was circulated for a period of thirty (30) days, and scoping meetings were held on June 14, 2007 and June 19, 2007, at Quartz Hill High School to solicit comments on the proposed project. The NOP comment period ended on July 17, 2007. The NOP was filed with the State Clearinghouse on June 4, 2007 and the revised NOP was filed on June 14, 2007. The NOP is included in the DEIR as Appendix A. The responses to the NOP are included in Appendix B.

The DEIR was made available and distributed to agencies, interested organizations, and individuals by the City for public review on January 9, 2009. A forty-five day comment period was provided from January 9, 2009 to February 23, 2009. A public hearing was held before the Planning Commission on February 18, 2009, during which opportunity was provided to give oral and written comments on the DEIR. Comments received during the public review period for the DEIR were responded to in the Responses to Comments which was included in the FEIR, dated June 2009. The FEIR was distributed to agencies submitting comments on June 25, 2009.

The following documents comprise the FEIR for the project:

- Draft Environmental Impact Report for The Commons at Quartz Hill, dated January 2009 including applicable revisions;
- Comments received on the DEIR and responses to those comments, published in the FEIR, dated June 2009;
- All analysis, attachments, incorporated documents, and references to the documents identified and referenced in the DEIR and FEIR, and submitted to the City as part of the EIR process.

The City Planning Commission considered the FEIR and the project at its hearing on July 7, 2009 for approval of the conditional use permit and to make a recommendation to the City Council on the certification of the FEIR and the general plan amendment and zone change. The City Council will consider the FEIR and the project at its hearing on July 21, 2009.

4. **ENVIRONMENTAL EFFECTS WHICH WERE DETERMINED TO NOT BE POTENTIALLY AFFECTED BY THE PROJECT**

As a result of the NOP circulated by the City beginning on June 4, 2007, the City determined, based upon the threshold criteria for significance, that the proposed project would have no impact on the following potential environmental effects, and therefore, determined that these potential environmental effects would not be addressed in the DEIR. Based upon the environmental analysis presented in the Final EIR, and the comments received from the public on the DEIR, no substantial evidence has been submitted to or identified by the City which indicates that the proposed project would have an impact on the following environmental issues, and therefore no additional analysis beyond what was provided.

1. Geology and Soils: The following issues were not analyzed in the Draft EIR for the reasons identified below.
 - **Landslides**: The topography of the project site and surrounding area is generally flat. Therefore, no impact with respect to landslides would occur for the proposed project, and no further analysis of this issue is required.
 - **Septic Tanks**: The proposed project site does not propose the use of septic tanks or alternative disposal systems. Therefore, no impact would occur with implementation of the proposed project and no further analysis of this is required.

2. Hazards and Hazardous Materials: The following issues were not analyzed in the Draft EIR for the reasons identified below.
 - **Airport Safety Hazards**: No airport exists within two miles of the project site. In addition, the project site is not located within any Airport Land Use Plan and is not subject to land use regulations within any such plan. Thus, no impact would occur. No private airstrips are located in the vicinity of the project site. No impact would occur with regard to private airstrips.
 - **Wildlife Fire Risks**: A significant impact may occur if a project is located in proximity to wildland areas and poses a potential fire hazard, which could affect persons or structures in the area in the event of a fire. The project site is currently vacant and undeveloped, located in an area surrounded by residential and institutional development. As shown in the Draft EIR on Figure IV.A-1, the project site is located in an area of the City of Lancaster with little or no threat of wildland fire. Therefore, the proposed would not expose people or structures to a greater than average risk of loss, injury or death involving wildland fires and no impact would occur.

3. Hydrology and Water Quality: The following issues were not analyzed in the Draft EIR for the reasons identified below.

- Seiche, Tsunami, or Mudflow: The City of Lancaster is not located near a large body of water such as lake or ocean in which in seiche or tsunami would occur. Thus, no impact would occur as a result of a seiche or tsunami from any body of water. In addition, as the project is not located near any hills or slopes, there is no risk of the site being affected by mudflow.
 - Dam/Levee Failure: The project site is not located near any dam or levee, the failure of which could impact the project site. As such, no impact would occur with respect to dam or levee failure, and no further discussion of this issue is required.
 - Housing in 100-Year Flood Plain: The proposed project does not include any housing. As such, there would be no impact with respect to placing housing in a 100-year floodplain. Therefore, no further discussion of this issue is required.
4. Mineral Resources: The following issue was not analyzed in the Draft EIR for the reason identified below.
- Loss of a Known or Locally Important Mineral Resource: The project site is not located in an area where mining of mineral resources occurs. The project site may contain known mineral deposits that would be of value to the region and the residents of the State, but development of the proposed project would not preclude or otherwise result in the loss of availability of these resources. The minerals would continue to exist on the project site with development, and could be mined and used in the future. The proposed project therefore would not result in the loss of availability of a known mineral resource. Impacts to mineral resources would be less than significant.
5. Noise: The following issue was not analyzed in the Draft EIR for the reason identified below.
- Airport Land Use Plan and Private Airstrip: No airport exists within two miles of the project site. As such, the project site is not located within any Airport Land Use Plan and would not be exposed to severe noise levels from airport or aircraft-related activities.
6. Population and Housing: The following issue was not analyzed in the Draft EIR for the reason identified below.
- Displacement of Existing Housing and Persons: The project site is currently vacant and undeveloped. Therefore, development of the proposed project would not result in the displacement of existing housing and persons and would not require the construction of replacement housing elsewhere. Therefore, no impacts associated with displacement of existing housing or people would occur.

7. Transportation and Traffic: The following issues were not analyzed in the Draft EIR for the reasons identified below.

- Air Traffic Patterns: The height of the building would not interfere with air traffic patterns and would not cause an increase in traffic levels or change in location that results in substantial safety risks. Since the building is not a multi-story tower, no additional lighting for air traffic safety is required. Therefore, no further discussion of this issue is required.
- Adopted Plans, Policies, or Programs Regarding Alternative Transportation: The proposed project is not expected to conflict with adopted policies, plans, or programs supporting alternative transportation. Therefore, there would be no impact to adopted policies or existing alternative transportation facilities.

5. **FINDINGS ON POTENTIALLY SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT IDENTIFIED IN THE DEIR**

The following potentially significant environmental impacts were analyzed in the DEIR:

- Aesthetics, including Urban Decay
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use Planning
- Noise
- Population and Housing
- Public Services
- Transportation/Traffic
- Utilities

Where as a result of the environmental analysis of the proposed project and the identification of project design features, compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures, the following potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a) (1) that “Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment,” which is referred to herein as “Finding 1.” Where the potential impact can be reduced to less than significant solely through adherence to and implementation of project design features or standard conditions, these measures are considered “incorporated into the project” which mitigate or avoid the potentially significant effect, and in these situations, the City also will make “Finding 1” even though no mitigation measures are required, but will find that the potential impact has been reduced to Less

Than Significant through either project design features incorporated into the project or adherence to standard conditions.

Where the City has determined pursuant to CEQA Section 21081((a)(2) and CEQA Guidelines Section 15091(a)(2) that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency, the City’s finding is referred to herein as “Finding 2.”

Where, as a result of the environmental analysis of the proposed project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report,” referred to herein as “Finding 3.”

In making these findings, the City has relied upon the environmental conclusions reached by the experts that prepared the FEIR, including the information, analysis and conclusions in the technical reports prepared and made a part of the FEIR. Although contrary opinions may have been presented in comments submitted on the DEIR and FEIR, the City has weighed those comments against the underlying data, analysis and conclusions in the FEIR, and has reached its conclusions accordingly.

A. AESTHETICS

The thresholds of significance for aesthetic impacts, including urban decay, are listed in Section IV.B on pages IV.B-4 and IV.B-5 of the FEIR.

Potential Impact: The proposed project would change the visual character of the project site.

Finding: The City hereby makes Finding 1 with respect to the proposed project’s potential to change the visual character and quality of the project site.

Facts in Support of Findings: As discussed on pages IV.B-5 through IV.B-71 of the Draft EIR, the proposed project would change the visual character of the project site. The specific details regarding the appearance of the proposed project are described in Section II, Project Description, and Section IV.B, Aesthetics, of the Draft EIR. Whether the alteration of the project site would degrade or improve the visual character of the site is a subjective assessment. The implementation of the proposed project would substantially change the existing character from an undeveloped parcel to an urban use with retail buildings and surface parking facilities. The General Plan envisions the transformation of the site from its undeveloped condition to urban uses. Further, the surrounding area is in transition with intensification of rural or undeveloped land to

suburban and urban uses. Therefore, the project would have a less than significant impact with respect to visual character.

Potential Impact: The proposed project would not result in a significant impact to the available public scenic views from the area.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to impact permanent, public scenic views.

Facts in Support of Findings: As discussed on page IV.B-7 of the EIR, changes in views of the project site from adjacent land uses and roadways would not result in a significant impact, as the area is already urbanized with a mix of institutional, commercial, and residential uses. The proposed project would not result in the obstruction of any permanent, public scenic views. Long-range views of the San Gabriel and Tehachapi Mountains would not be substantially altered. Considering the distance of the mountains from the project site, long-range views from the surrounding area would still be available above and around the proposed development. Therefore, the project would have a less than significant impact with respect to public scenic views.

Potential Impact: A significant urban blight and decay impact as a result of the construction and operation of the proposed development.

Finding: The City hereby makes Finding 1 with respect to the proposed project's ability to result in an urban decay and blight impact.

Facts in Support of Findings: The proposed project's potential to create urban blight was addressed on pages IV.B-7 through IV.B-14 of the Draft EIR and III-8 through III-21 of the Final EIR.

The original economic report was prepared in November 2008 and was included as Appendix L in the Draft EIR. As a result of comments received on the Draft EIR, the economic report was updated in June 2009 to reflect the change in the market conditions. This revised report is included in Appendix B of the Final EIR. While the economic report was updated to reflect the current market conditions, the conclusions of the report did not change.

The economic reports looked at three major categories: 1) Shopper Good (general merchandise, apparel, home furnishings/furniture and specialty goods); 2) Building Materials/Garden Supplies; and 3) Convenience Goods (food and beverage facilities and drug store/pharmacy). The major conclusions of the report with respect to these categories are provided below. Therefore, the proposed project's potential to create urban blight is less than significant.

1. Shopper Goods: The total proposed supply represents the equivalent of 118 percent of total demand in 2012, through there would be more than adequate support for the proposed space by 2013. Thus, while the development of the proposed project and the Lane Ranch project together would leave little capacity for additional new General Merchandise space in the PMA, it is unlikely that they

would individually or collectively create adverse market conditions that could lead to urban decay.

2. **Building Materials/Garden Supplies:** Assessment of the potential for urban decay caused by an oversupply of Building Materials and Garden Supplies space needs to recognize that the potential oversupply problem would be caused by the cumulative impact generated by three separate developments. Under current circumstances, the total supply of additional space would come from the proposed project (21,624 square feet GLA, 6 percent of the total new space), the Lane Ranch project (171,038 square feet GLA, 47 percent of the new space) and the Avenue K/60th Street West center (171,069 square feet GLA, 47 percent of the new space). With its small share, the proposed project's Building Materials/Garden Supply component is not a major factor contributing to the oversupply, and could be easily absorbed in a future market context where there was only one additional major home improvement center added to the PMA between 2009 and 2014. Rather, the problem of a potential significant oversupply of Building Materials and Garden Supply space arises with the possible development of two major home improvement centers in the PMA during the next five years in a market that likely can support only one such facility at the proposed size of 170,000 square feet GLA.

Perhaps the major question that cannot be resolved in this analysis is whether or not the development of the two proposed home improvement centers is a reasonable proposition in the next five to seven years in the PMA at the two locations that have been identified to date. While it was not possible to confirm the identity of the home improvement center operator at each site, the similarity of location, proposed building configuration and recent change in timing of the home improvement center at the Avenue K/60th Street West location to a future phase (2014) suggests that the two projects may have the same operator in mind, or, at a minimum, the developers will carefully consider the potential competitive circumstances presented by other projects before proceeding with such a commitment.

These competitive market circumstances strongly suggest that only one major home improvement center will be built in the foreseeable future on 60th Street West, and that the superior location for such a retailer is the Lane Ranch site. Regardless, given the small contribution of Building Materials and Garden Supply space that will be contributed by the proposed project, it is unlikely that its development would contribute significantly to conditions of oversupply and potential urban decay. Therefore, impacts related to the proposed project's Building Materials and Garden Supplies retail space would be less than significant.

3. **Food and Beverage Facilities:** Analysis of the potential impact of the proposed Eating and Drinking Facility component of the proposed project indicates that there is sufficient market support generated by the PMA resident population and other market sources to fully support the proposed addition of this type of space

by 2013. As the addition of the proposed eating and drinking uses in the proposed project represents such a small share of the total space that it will not have a significant negative impact on the existing and proposed supply of existing restaurant uses in the PMA. This component of the proposed project will not lead to urban decay at any of the existing or proposed shopping centers and business districts found in the competitive market area.

4. Drug Store/Pharmacy: The site-specific analyses indicate that while there could be a serious oversupply of drug store/pharmacy space in the proposed project's PMA if the proposed project and the Lane Ranch project open as currently scheduled, this oversupply is not likely to create conditions at any of the specific locations studied that would likely lead to significant urban decay. The four major drug store chains with stores (CVS, Walgreens, Sav-on, Rite-Aid) in the PMA are all capable of holding on to their market shares for the long term, due both to their brand strengths and to their respective geographic positioning. However, it is also very possible that the sales achieved per square foot at these stores may fall below the standard threshold utilized in the analysis for determining supportable drug store space.

Potential Impact: The proposed project could have a potentially significant impact with respect to nighttime lighting and glare.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to create significant impacts with respect to lighting and glare.

Facts in Support of Findings: As discussed on pages IV.B-14 and IV.B-15 of the Draft EIR, development of the project site with the proposed land uses would create new sources of light and glare. Even though the immediate area is experiencing growth, the development would substantially change the nighttime lighting in the area and could potentially affect the adjacent properties with light "spill". Additionally, the development would introduce new sources of glare to the site, such as signs and automobile glass. However, with the implementation of Mitigation Measures B-1 through B-15 as identified in the EIR, these impacts would be less than significant.

Potential Impact: The proposed project would not have a significant shade and shadow impact on the residences to the east or high school to the south of the project site.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to create shade and shadow impacts on sensitive land uses.

Facts in Support of Findings: As discussed in the Draft EIR on page IV.B-15, the proposed project would generate shade and shadows. The tallest structure in the proposed development is approximately 41.5 feet in height. While this is tall enough to cast shadows, due to the relatively low height of the buildings and the distance between the proposed project and sensitive receptors, no shadows would be cast onto the school property or the residences and impacts would be less than significant.

Potential Impact: The proposed project would not result in a cumulatively considerable impact with respect to visual character, views, urban decay, shade/shadow, and light/glare.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential aesthetic impacts.

Facts in Support of Findings: Development of the related projects is expected to occur in accordance with adopted plans and regulations. Related Project No. 78, Lane Ranch, is located near the project site. No substantial scenic resources are located in the area surrounding the project site that could be affected by a cumulatively considerable reduction in views. Therefore, the proposed project in conjunction with the related projects would not result in significant cumulative impacts with regard to the aesthetic and visual character of the area.

Development of the proposed project, in conjunction with the related projects, would increase ambient lighting and glare levels in the project vicinity. However, any additional glow from the related projects would be subject to the City's reflective materials design standards which limits the amount of reflective surface areas and materials that can be used for any given project. The potential glare created from these related projects would not be cumulatively considerable.

Development of the proposed project, in conjunction with the related projects would not result in an increase of shading impacts on the project site or in the vicinity of the project site as major roadways separate the project site from the nearest related projects. There are no related projects in the immediate vicinity of the project site that would increase the shading of the sensitive uses adjacent to the project site. Therefore, no cumulatively considerable shading impacts would occur.

Finally, the cumulative impacts of this project in conjunction with the related projects, on potential physical degradation or urban decay related to Shopper Goods space, Building Materials and Garden supplies space, food store space, drug store/pharmacy space and eating and drinking facilities would be less than significant.

B. AGRICULTURAL RESOURCES

The thresholds of significance for agricultural resources are listed in Section IV.C on page IV.C-4 of the FEIR.

Potential Impact: The proposed project would not result in the conversion of prime farmland, unique farmland or farmland of statewide importance to non-agricultural use.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to convert farmland to non-agricultural use and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.C-4 of the Draft EIR, the project is classified by the California Department of Conservation, Farmland Mapping

and Monitoring Program, the project site is classified as urban and built-up land and other land and not for agricultural use. Therefore, development of the proposed project would not change agricultural land to a non-agricultural use and no impacts would occur.

Potential Impact: The proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to conflict with existing zoning for agricultural use or a Williamson Act contract and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.C-4 of the Draft EIR, the project site is currently designated for urban residential uses, which does not allow agricultural uses. Additionally, the project site is not subject to a Williamson Act contract. Therefore, no impacts would occur.

Potential Impact: The project would not result in changes to the environment which could result in the conversion of farmland to non-agricultural uses.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to result in the conversion of farmland to non-agricultural use.

Facts in Support of Findings: As discussed on pages IV.C-4 and IV.C-5 of the Draft EIR, the proposed project would be constructed on a site which has been planned for urban uses. Additionally, the surrounding uses in the area are residential and institutional and no agricultural uses are located nearby. There is no agricultural activity on the project site and there has not been agricultural activity for several years. Therefore, no impacts would occur.

Potential Impact: No impact to agricultural resources would occur as a result of the proposed project in conjunction with the related projects.

Finding: The City hereby makes Finding 1 with respect to the proposed project's potential to result in cumulative impacts to agricultural resources and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: None of the related projects are of an agricultural nature. These projects in combination with the proposed project would greatly intensify the residential and commercial land usage in the immediate project area. None of the nearby projects involve the conversion of agricultural uses to non-agricultural uses. There is no current agricultural activity on the project site and there has not been agricultural activity for several years. In addition, each related project must be individually assessed to determine if agricultural resources are being negatively impacted. Therefore, no cumulative impacts would occur.

C. AIR QUALITY

The thresholds of significance for air quality impacts are listed in Section IV.D on pages IV.D-17 through IV.D-19 of the FEIR.

Potential Impact: The proposed project would not conflict with or obstruct implementation of the 2004 Ozone Attainment Plan.

Finding: The City hereby makes Finding 1 with respect to impacts to the air quality plan.

Facts in Support of Findings: As discussed on page IV.D-20 of the EIR, the use of the project site for commercial uses was not accounted for in the 2004 Ozone Attainment Plan prepared by the Antelope Valley Air Quality Management District. However, because the City of Lancaster's General Plan was used by SCAG to prepare the growth forecasts for northern Los Angeles County, upon which the 2004 Ozone Attainment Plan is based, as long as growth in the City is consistent with the City's General Plan, implementation of the 2004 Ozone Attainment Plan would not be obstructed by such growth and cumulative impacts would be less than significant. Although development of the proposed project would result in a general plan amendment and zone change, the development of the proposed commercial uses on the project site would help to reduce vehicle emissions by providing commercial/retail opportunities in an area of Lancaster that is currently underserved. This could serve to decrease the distance residents need to travel for consumer goods. Additionally, the proposed project would provide employment opportunities for the local area. Thus, although the proposed project would not be consistent with the City's General Plan and by extension the attainment plan, it would not conflict with or obstruct implementation of the 2004 Ozone Attainment Plan and impacts would be less than significant.

Potential Impact: The proposed project would generate air quality impacts during construction.

Finding: The City hereby makes Finding 1 with respect to air quality impacts associated with construction of the proposed project.

Facts in Support of Findings: Air quality impacts associated with construction activities were discussed on pages IV.D-20 through IV.D-24 of the EIR. As determined in this analysis, the proposed project would generate NO_x and VOC emissions above the thresholds set by AVAQMD during the grading and asphalt/architectural coatings phases, respectively. Additionally, it was determined that the localized pollutant concentrations from NO_x during construction activities would exceed the 1-hour pollutant averaging time. All other emissions would be below the established thresholds. Mitigation measures D-1 through D-14 were identified to reduce these impacts to a less than significant level. Therefore, impacts from mass daily emissions of these criteria pollutants during construction of the proposed project would be reduced to a less than significant level.

Potential Impact: The proposed project would generate potentially significant air quality impacts during operation.

Finding: The City hereby makes Finding 3 with respect to air quality impacts associated with the operation of the proposed project. Specifically, no mitigation measures or alternatives have been identified that can feasibly reduce potentially significant air quality impacts during operations to a level of less than significant.

Facts in Support of Findings: Air quality impacts associated with the operation of the proposed project were discussed on pages IV.D-25 through IV.D-27. As determined in this analysis, the proposed project would generate carbon monoxide (CO) and PM₁₀ emissions which exceed the thresholds established by the air district during operational activities. Because a majority of these emissions are generated by motor vehicles, the only way to reduce these emissions would be to greatly reduce the size of the proposed project. Such size reduction was determined to be infeasible as it would not meet the project objectives. Therefore, impacts from operational emissions would remain significant and unavoidable.

Potential Impact: The proposed project would generate toxic air contaminants from operation of the development.

Finding: The City hereby makes Finding 1 with respect to impacts associated with toxic air contaminants.

Facts in Support of Findings: Air quality impacts associated with the generation of toxic air contaminants were discussed on pages IV.D-27 and IV.D-28 of the EIR. As discussed, a Health Risk Assessment was prepared to evaluate the impacts from diesel exhaust emissions generated by the proposed project. The inhalation cancer risk at the closest exposed individual resident is 3 in one million and the chronic non-cancer hazard index at this receptor is less than 0.01. The inhalation cancer risk and chronic non-cancer index at the nearest worker and nearest sensitive receptor (students at Quartz Hill High School) were 0.2 in one million and less than 0.01, respectively. These numbers are substantially less than the thresholds established by the AVAQMD of 10 in one million for inhalation cancer risk and 1 for the chronic non-cancer index. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate greenhouse gas emissions.

Finding: The City hereby makes Finding 1 with respect to impacts associated with greenhouse gas emissions generated by the proposed project.

Facts in Support of Findings: Greenhouse gas emission impacts were discussed on pages IV.D-28 through IV.D-38 of the EIR. As discussed in this section it was determined that the proposed project would be consistent with all feasible and applicable strategies to reduce greenhouse gas emissions in California and would therefore be considered consistent with the 2006 CAT report. Specifically, implementation of Mitigation Measure D-12, compliance with restrictions on truck idling, compliance with Title 24, reduction in solid waste and implementation of recycling programs,

incorporation of landscaping and permeable surfaces throughout the project site, incorporation of high efficiency HVAC and appliances, water conservation measures, and other measures Walmart has incorporated into this project in its description would all add to the reduction of greenhouse gas emissions. These measures are identified in Section II, Project Description, of the Draft EIR. The project must also comply with Mitigation Measure D-15. Therefore, greenhouse gas emissions would be less than significant.

Potential Impact: The proposed project would generate some odors as a result of the proposed restaurant and kitchen uses.

Finding: The City hereby makes Finding 1 with respect to impacts associated with odors and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.D-38, odors are typically associated with industrial/manufacturing uses which utilize chemicals, solvents, and petroleum products, such as landfills and treatment facilities. The proposed project does not include any of these uses. The proposed project would include restaurant and kitchen uses which generate odors as a result of the cooking process. However, these odors are similar in type to the odors generated by a residential kitchen. Additionally, these facilities are required to be permitted through the air district and must comply with all applicable conditions and regulations related thereto. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate cumulative air quality impacts.

Finding: The City hereby makes Finding 1 with respect to cumulative air quality impacts associated with the proposed project.

Facts in Support of Findings: According to the *AVAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, cumulative impacts are similar to the direct and indirect impacts that the proposed project contributes to. In addition, in terms of conformity impacts, a project is conforming if it “complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plans(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan).” Because the City of Lancaster’s General Plan was used by SCAG to prepare the growth forecasts for northern Los Angeles County, development that is consistent with the City’s General Plan would not create air emissions that exceed the applicable air quality plan, which is the AVAQMD’s *2004 Ozone Attainment Plan*. Consequently, as long as growth in the City is consistent with the City’s General Plan, implementation of the *2004 Ozone Attainment Plan* would not be obstructed by such growth and cumulative impacts would be less than significant. Although development of the proposed project would result in a general plan amendment and zone change to the project site, the development of the proposed commercial uses on the project site could serve to reduce vehicle emissions in the area by providing retail facilities on the project site to serve the local community. In particular, the proposed project, which is a large commercial/retail development, would serve to

decrease the distance City residents would have to travel for consumer goods, which in turn would reduce the trip lengths residents would need to travel and the emissions associated with those vehicle trips. Thus, the proposed project would not conflict with or obstruct implementation of the *2004 Ozone Attainment Plan*. Therefore, the contribution of the proposed project to this impact would be less than significant.

As discussed previously, the increased accumulation of GHGs in the atmosphere may result in global climate change, the consequences of which result in adverse environmental effects. The State has mandated a goal of reducing State-wide emissions to 1990 levels by 2020, even though State-wide population and commerce is predicted to grow substantially. The increase in commercial space with implementation of the proposed project would generate greater than zero GHG emissions and the cumulative effect of global climate change would be considered incrementally cumulatively considerable. This would be considered a potentially significant cumulative impact. However, with the incorporation of the identified Mitigation Measures D-1 through D-15, impacts would be less than significant.

D. BIOLOGICAL RESOURCES

The thresholds of significance for biological resource impacts are listed in Section IV.E on pages IV.E-12 and IV.E-13 of the FEIR.

Potential Impact: Development of the proposed project could result in significant impacts to special status wildlife species, including nesting raptors/birds and burrowing owl.

Finding: The City hereby makes Finding 1 with respect to impacts to special status animal species.

Facts in Support of Findings: Impacts to special status wildlife species, including nesting raptors/birds and burrowing owls, were discussed on page IV.E-13 of the EIR. As discussed, no special status species were identified on the project site; however, the potential still exists from them to occur, particularly burrowing owls. Construction of the proposed project would remove all vegetation which would impact foraging habitat for raptors and could impact nesting birds/raptors on the site. This would be a potentially significant impact. However, Mitigation Measures E-1 and E-2 were identified which would reduce potential impacts to a less than significant level.

Potential Impact: The proposed project would not result in significant impacts to special status plant species and sensitive plant communities.

Finding: The City hereby makes Finding 1 with respect to impacts to special status plant species and sensitive plant communities and further finds that no significant impact will result from the project and no mitigation is required..

Facts in Support of Findings: As discussed on pages IV.E-13 and IV.E-14 of the Draft EIR, no special status plant species are expected to occur on the project site or are considered to have a low potential due to the general disturbed and degraded conditions

of the site and/or lack of specific habitat requirements. None of the plant communities on the project site (ruderal non-native grassland and rabbitbrush scrub) are considered to be sensitive. Therefore, no mitigation is required and impacts would be less than significant.

Potential Impact: The proposed project could result in a significant impact to off-site jurisdictional features.

Finding: The City hereby makes Finding 1 with respect to impacts to jurisdictional features.

Facts in Support of Findings: As discussed on page IV.E-14, the proposed project may impact the offsite active constructed drainage located along the outside western boundary of the project site. Although this drainage feature is not located within the project site, due to its close proximity to project development, grading activities associated with project development may impact portions of the drainage. It should be noted that on October 12, 2007, the Army Corps of Engineers issued a letter to the City of Lancaster stating that the site is not subject to their jurisdiction under Section 404 of the Clean Water Act and would not require a permit. However, with implementation of Mitigation Measure E-3 requiring regulatory permits in the event that the drainage would be disturbed, impacts would be less than significant.

Potential Impact: The proposed project would not impact wildlife movement, migration corridors, or native nursery sites.

Finding: The City hereby makes Finding 1 with respect to impacts to wildlife movement or native wildlife nurseries and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.E-14, a wildlife corridor joins otherwise fragmented habitats, which helps to increase the gene flow between the individual habitats, provides an escape route and improves the overall fitness of resident species. The project site is surrounded on three sides by developed therefore lacks connectivity to nearby natural habitats. Additionally, the project site is currently fenced with chainlink fence, dominated with ruderal and non-native vegetation and is regularly disturbed; these conditions tend to preclude the use of areas by wildlife species for use as a movement or migration corridor or as a native nursery site as they prefer areas that are accessible and safe from harm. Therefore, the proposed project is not expected to impact wildlife movement, migration corridors, or native nursery sites. No mitigation is required.

Potential Impact: Development of the proposed project would not conflict with local policies or ordinances.

Finding: The City hereby makes Finding 1 with respect to impacts to conflicts with local policies or ordinances and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: The City of Lancaster does not have an ordinance specifically protecting tree species; therefore, the non-native trees on-site are not protected by local ordinances. In addition, those General Plan policies protecting sensitive species were addressed under the special status species, above. Therefore, the proposed project would have no impacts regarding conflicts with local policies and ordinances.

Potential Impact: Development of the proposed project would not conflict with any conservation plans and further finds that no significant impact will result from the project and no mitigation is required.

Finding: The City hereby makes Finding 1 with respect to impacts to conservation plans.

Facts in Support of Findings: The project site is not located in an area which is covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Although a draft of the West Mojave Plan has been prepared that would eventually cover lands within the City of Lancaster, this plan has not yet been approved by regulatory agencies and currently only covers lands owned by the Bureau of Land Management. Therefore, no impacts would occur.

Potential Impact: Development of the proposed project would not result in a cumulatively considerable impact to biological resources.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to biological resources.

Facts in Support of Findings: The project site is a vacant parcel which supports marginally suitable habitat for common native wildlife species and the loss of such habitat is not considered a substantial adverse impact for native wildlife species. Therefore, loss of marginally suitable habitat from the implementation of the proposed project, when considered with the related projects, would not be cumulatively considerable. However, a few of the related projects are located on undeveloped lands which may support nesting birds, burrowing owls and/or potentially jurisdictional waterways; potential impacts to these sensitive biological resources, when considered with the potential impacts to these resources from the proposed project, may result in cumulatively considerable adverse impacts. However, with implementation of Mitigation Measures E-1 through E-3, impacts would be less than significant.

In addition, the City has adopted Ordinance 848, Biological Impact Fee, to help offset the cumulative loss of biological resources within the City of Lancaster. This ordinance requires the payment of \$770/acre to be utilized towards conservation activities and applies to all development projects regardless of the level of impact.

E. CULTURAL RESOURCES

The thresholds of significance for cultural resources impacts are listed in Section IV.F on pages IV.F-7 and IV.F-8 of the FEIR.

Potential Impact: Development of the project site would not impact any historic resources.

Finding: The City hereby makes Finding 1 with respect to potential impacts to historic resources and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.F-8 of the FEIR, the project site is a currently vacant and undeveloped open field with no standing structures. One concrete foundation, with associated historic and modern debris was observed, but there is no indication that they are over 50 years old. Therefore, they are not considered historic resources and no impacts would occur. Therefore, no mitigation is required and impacts would be less than significant.

Potential Impact: Development of the project site could potentially impact presently unknown archaeological resources.

Finding: The City hereby makes Finding 1 with respect to potential impacts to archaeological resources.

Facts in Support of Findings: According to the records search conducted by the South Central Coastal Information Center, there are no identified prehistoric or archaeological sites, prehistoric isolates, historic archaeological sites, or historic isolates within the boundaries of the project site. Additionally, no archaeological resources were identified during a survey of the project site. It is not possible to determine if there are any subsurface archaeological resources on the project site and there are five archaeological sites and three isolated artifacts within one mile of the project site. Therefore, impacts are potentially significant. However, with implementation of Mitigation Measure F-1, potential impacts would be reduced to a less than significant level.

Potential Impact: Development of the project site could potentially impact currently unknown paleontological resources.

Finding: The City hereby makes Finding 1 with respect to potential impacts to paleontological resources

Facts in Support of Findings: No evidence of paleontological resources was discovered on the project site during surveys and excavation and development of the project site is not anticipated to affect paleontological resources. However, the majority of the site has never been developed and it is difficult to know what lies beneath the ground surface. Therefore, there is a possibility to impact paleontological resources during excavation activities. However, with implementation of Mitigation Measure F-1, potential impacts would be reduced to a less than significant level.

Potential Impact: Development of the project site could potentially impact unknown human remains.

Finding: The City hereby makes Finding 1 with respect to impacts to human remains

Facts in Support of Findings: According to the Native American Heritage Commission (NAHC), there are no sacred lands or other Native American cultural resources in the project area. None of the NAHC contacts have expressed any concerns regarding the proposed project. However, the majority of the project site has never been subject to subsurface disturbance and it is difficult to know what lies beneath the ground surface. There is a possibility that impacts to human remains could occur during excavation activities for the proposed project. However, with implementation of Mitigation Measure F-1, potential impacts would be reduced to a less than significant level.

Potential Impact: Development of the proposed project would not result in a cumulatively considerable impact to cultural resources.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to cultural resources.

Facts in Support of Findings: Development of the proposed project in conjunction with the development of the related projects has the potential to increase the risk to cultural resources in the project area. While the development of the related projects in conjunction with the proposed project would greatly intensify the land usage in the immediate project area, impacts to cultural resources tend to be site-specific and are assessed on a site-by-site basis. The extent of cultural resources that occur at related project sites is unknown and, as such, it is not known whether any of the related projects would result in significant impact to cultural resources. However, similar to the proposed project, such determinations would be made on a case-by-case basis, and if necessary, the applicants of the related projects would be required to implement the appropriate mitigation measures. Furthermore, the analysis of the proposed project's impacts to cultural resources concluded that, through the implementation of the identified mitigation measure, project impacts to cultural resources would be less than significant. Therefore, the proposed project would not contribute to any potential cumulative impacts, including Mitigation Measure F-1, and impacts to cultural resources would not be cumulatively considerable.

F. GEOLOGY/SOILS

The thresholds of significance for geology/soils impacts are listed in Section IV.G on pages IV.G-5 and IV.G-6 of the FEIR.

Potential Impact: The proposed project has the potential to create erosion during construction activities and operation of the development.

Finding: The City hereby makes Finding 1 with respect to impacts associated with erosion.

Facts in Support of Findings: During construction activities there is a potential for erosion to occur during the grading process. The proposed project would have a potentially significant impact if it would result in substantial soil erosion or the loss of topsoil during construction. Regulatory measures are required to be implemented during construction periods to minimize wind and water-borne erosion. The proposed project would be required to obtain a grading permit from the Public Works Department. In addition, project construction would be performed in accordance with the Storm Water Pollution Prevention Plan (SWPPP), which specifies Best Management Practices to prevent all soil from moving off-site due to water and wind erosion. With implementation of the applicable grading and building permit requirements and the application of BMPs, impacts with respect to erosion or loss of topsoil during construction would be less than significant. No additional mitigation is necessary or required.

Under the existing condition, the project site is susceptible to erosion. The proposed project would develop the project site with pervious and impervious surfaces including structures, paved areas, and landscaping. As such, the proposed development would reduce the rate and amount of erosion occurring at the project site and impacts with respect to erosion or the loss of topsoil during development operation would be less than significant.

Potential Impact: Development of the proposed project would result in a less than significant impact as a result of seismic hazards such as surface fault rupture, seismicity, ground shaking, liquefaction, seismically-induced settlement, and subsidence.

Finding: The City hereby makes Finding 1 with respect to impacts associated with seismic hazards.

Facts in Support of Findings: As discussed on pages IV.G-7 through IV.G-8, the project site is not located in an Alquist-Priolo zone, in an area subject to liquefaction, seismically-induced settlement, or subsidence. While the project site would be subject to ground shaking as a result of an earthquake, this risk is no greater than anywhere else in southern California. Additionally, the proposed project would be required to be constructed in accordance with the seismic design criteria contained in the City's building code. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: Development of the project site would not create substantial risks to life or property associated with expansive soils.

Finding: The City hereby makes Finding 1 with respect to impacts associated with expansive soils and further finds that no significant impact will result from the project and no mitigation is required..

Facts in Support of Findings: The soils at the project site consist of gravelly sand and silty clay. According to the City of Lancaster's Draft Master Environmental Assessment, the project site is located in an area of low shrink-swell potential. Laboratory testing

performed for the Preliminary Geotechnical Evaluation showed soil expansion potential at the project site ranging from very low to low. No additional mitigation is necessary or required. Therefore, impacts associated with expansive soil would be less than significant.

Potential Impact: Development of the project site could result in impacts from corrosive soils.

Finding: The City hereby makes Finding 1 with respect to impacts associated with corrosive soils

Facts in Support of Findings: The project site is located in a geologic environment that could potentially contain soil conditions that are corrosive to concrete and metals. The degree of potential corrosivity of soils will be evaluated by site-specific analysis during design of the project. Specific measures to mitigate the potential effects of corrosive soils will be developed in the design phase. The requirement for a site specific analysis is identified in Mitigation Measure G-1. Therefore, impacts with respect to soil corrosivity would be less than significant.

Potential Impact: Development of the proposed project would not result in a cumulatively considerable impact with respect to geology and soils.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to geology and soils.

Facts in Support of Findings: Development of the proposed project in conjunction with the related projects would result in further development of various land uses in the City of Lancaster. These projects in combination with the proposed project would greatly intensify the land usage in the immediate project area. Geologic hazards are site-specific and there is little, if any, cumulative relationship between development of the proposed project and the related projects. As such, construction of the related projects is not anticipated to combine with the proposed project to cumulatively expose people or structures to such geologic-seismic hazards as earthquakes, ground shaking, liquefaction, landslides, unstable soils, expansive soils, or result in substantial soil erosion or loss of topsoil. Therefore, no cumulatively considerable impacts are anticipated from the proposed project and the related projects.

G. HAZARDS AND HAZARDOUS MATERIALS

The thresholds of significance for hazards and hazardous materials impacts are listed in Section IV.H on page IV.H-10 of the FEIR.

Potential Impact: The proposed project would involve the routine transport, use, disposal or release of hazardous materials.

Finding: The City hereby makes Finding 1 with respect to impacts associated with the routine transport, use, and disposal of hazardous materials.

Facts in Support of Findings: As discussed on page IV.H-11, during the construction phase, the proposed project is anticipated to require the routine transport, use, and disposal of cleaning solvents, fuels, and other hazardous materials commonly associated with construction projects. All hazardous materials encountered or used during construction activities would be handled in accordance with applicable local, state, and federal regulations which include requirements for disposal of hazardous materials at a facility licensed to accept such wastes. During operation of the proposed project, the proposed retail uses would require minimal amounts of hazardous materials for routine cleaning and would not pose any substantial potential for accident conditions involving the release of hazardous materials. The proposed project would be required to comply with applicable local, state, and federal regulations regarding the storage and retail sale of potentially hazardous materials. Therefore, impacts would be less than significant.

Five obsolete wells were discovered on the project site. All five wells have been abandoned. Four of the wells have received Los Angeles County Department of Health Services permit approval and one has pending approval. Additionally, a mitigation measure (H-1) has been identified to ensure that any unknown wells, septic systems, etc., discovered during construction activities are properly closed. Therefore, impacts would be less than significant.

Potential Impact: The proposed project has the potential to impact sensitive receptors (school and residence) with the use of hazardous materials.

Finding: The City hereby makes Finding 1 with respect to hazardous materials impacts to sensitive receptors as a result of the proposed project.

Facts in Support of Findings: As discussed on pages IV.H-11 through IV.H-12, the proposed project would utilize hazardous materials during construction and operational activities. All hazardous materials used/encountered during construction activities or used during the routine day-to-day operations of the proposed development would be done in accordance with all applicable local, state, and federal regulations. No additional mitigation is necessary or required. Therefore, such materials would not be expected to endanger sensitive receptors in the project vicinity and impacts would be less than significant.

Potential Impact: Development of the proposed project would not result in any impacts from hazardous materials sites.

Finding: The City hereby makes Finding 1 with respect to impacts associated with hazardous materials sites and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As a result of a regulatory database search, it was determined that the project site is not listed as a site which is included on a list of hazardous materials sites pursuant to Government Code Section 65962.5. No additional mitigation is necessary or required. Therefore, no impact would occur.

Potential Impact: Development of the proposed project would not result in any significant impacts to emergency response or emergency evacuation plans.

Finding: The City hereby makes Finding 1 with respect to impacts to emergency response and/or emergency evacuation plans and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Implementation of the proposed project would not substantially impede public access or travel upon public rights-of-way and would not interfere with any adopted emergency response plan or emergency evacuation plan. Furthermore, the construction phase of the proposed project would not substantially impede public access or travel on public rights-of-way, and would not interfere with any adopted emergency response plan or emergency evacuation plan. No impact would occur to emergency response plans with implementation of the project.

Potential Impact: The proposed project would not generate cumulatively considerable impacts with respect to hazardous materials/waste.

Finding: The City hereby makes Finding 1 with respect to cumulative hazardous materials/waste impacts associated with the proposed project.

Facts in Support of Findings: Development of the proposed project in conjunction with the related projects has the potential to increase the risk for accidental release of hazardous materials. While the development of the related projects in conjunction with the proposed project would greatly intensify the land usage in the immediate project area, the identified uses are primarily residential in nature and would not involve uses that typically use, store, transport, or treat hazardous materials with the exception of the nearby related project, Lane Ranch Towne Center. This related project would involve similar uses and transport of hazardous materials. These materials would not pose any substantial potential for accident conditions. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the accidental release of hazardous materials into the environment during construction and operation, transport/use/disposal of hazardous materials, and hazards to sensitive receptors. Because hazardous materials and risk of upset conditions are largely site specific, this would occur on a case-by-case basis for each individual project affected, in conjunction with the development proposals on these properties. In addition, each related project would be required to comply with local, state, and federal laws regarding hazardous materials. No additional mitigation is necessary or required. Therefore, cumulative impacts with respect to hazardous materials would be less than significant.

H. HYDROLOGY/WATER QUALITY

The thresholds of significance for hydrology/water quality impacts are listed in Section IV.I on page IV.I-4 of the FEIR.

Potential Impact: The proposed project has the potential to create water quality impacts during construction activities and operation.

Finding: The City hereby makes Finding 1 with respect to water quality impacts associated with the proposed project.

Facts in Support of Findings: Impacts to water quality as a result of construction and operational activities associated with the proposed project were discussed on page IV.I-5 of the Draft EIR.

Since the proposed project would include grading, the proposed project would require a General Construction Activity Storm Water Permit from the SWRCB prior to the start of construction. The General Permit requires that a Notice of Intent (NOI) be filed with the SWRCB. By filing an NOI, the project developer agrees to the conditions outlined in the General Permit. One of the conditions of the General Permit is the development and implementation of a Storm Water Pollution Prevention Plan which identifies the structural and nonstructural Best Management practices which will be implemented. With implementation of the applicable grading and building permit requirements and the application of the BMPs, the proposed project would not violate any water quality standards or waste discharge requirements.

The proposed project would reduce the rate of erosion on the project site. However, if not properly designed and constructed, the proposed project could increase the rate of urban pollutant introduction into the storm water system. With compliance with the Clean Water Act and the City's municipal code, the proposed project would not violate any water quality standards or waste discharge requirements. Mitigation measures identified as I-1 through I-5 reiterate each of the requirements stated herein. Therefore, the proposed projects construction and operational impacts would be less than significant.

Potential Impact: The proposed project would result in a less than significant impact to groundwater.

Finding: The City hereby makes Finding 1 with respect to groundwater impacts associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.I-6 of the EIR, the groundwater table is 100 feet or more below ground surface. Only relatively shallow excavations (e.g., building pads, foundations, etc) are proposed as part of the project. The proposed project does not have the potential to intercept existing aquifers. It would not include any wells and therefore would not involve the addition or withdrawal of groundwater. The increase in the amount of impervious surfaces at the project would not substantially interfere with groundwater. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would result in an increase in runoff from the project site.

Finding: The City hereby makes Finding 1 with respect to drainage impacts associated with the proposed project.

Facts in Support of Findings: As discussed on page IV.I-6 of the EIR, the proposed project would alter the existing drainage patterns on the project site as the project would be developed with pervious and impervious surfaces including structures, paved areas, and landscaping. This would result in an increase in runoff from the site, with an overall increase in debris. However, all projects in the City of Lancaster are required to reduce their runoff to 85% of pre-developed flow. This has been included as Mitigation Measures I-5. Additionally, the project applicant has been conditioned to construct a 60-inch storm drain along the project site in Avenue L (approximately 1,300 feet) (Mitigation Measure I-4). All onsite runoff would be outletted into the proposed storm drain in Avenue L or the existing storm drain in 60th Street West. These measures, in addition to the conditions of approval and project design features, would reduce drainage impacts to a less than significant level.

Potential Impact: The proposed project would result in a less than significant impact to flooding.

Finding: The City hereby makes Finding 1 with respect to flooding impacts associated with the proposed project.

Facts in Support of Findings: As discussed on page IV.I-7, the project site is located in an area susceptible to flooding. The City has adopted the Master Plan of Drainage to address such issues and has established drainage fees to fund additional flood control facilities. The proposed project is required to install a 60-inch storm drain in Avenue L and is required to reduce the runoff from the project site to 85 percent of predevelopment flow. These are identified as Mitigation Measures I-4 and I-5. With implementation of these measures impacts with respect to flooding would be less than significant.

Potential Impact: The proposed project would not result in a cumulatively considerable impact to hydrology and water quality.

Finding: The City hereby makes Finding 1 with respect to cumulative hydrology and water quality impacts.

Facts in Support of Findings: As discussed on page IV.I-7 of the EIR, the proposed project and the 81 related projects would greatly intensify the land use and impervious surfaces in the immediate project area and thus stormwater volume and rate would increase. This would also impact water quality. The proposed storm drainage system serving this area has been designed to accommodate runoff from this built environment. New developments would also be required to control the amount of storm water runoff coming from their respective sites as well as pay drainage impact fees. Mitigation measures have been identified (I-1 through I-5) which would reduce the proposed project's drainage impact to a less than significant level. Thus, the proposed project would not contribute to a significant cumulative impact and no cumulatively considerable impacts to water runoff and water quality would occur.

I. LAND USE PLANNING

The thresholds of significance for land use impacts are listed in Section IV.J on pages IV.J-4 and IV.J-5 of the FEIR.

Potential Impact: The proposed project would not result in physically dividing an established community.

Finding: The City hereby makes Finding 1 with respect to impacts associated with community division and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: The potential for the proposed project to physically divide an established community is based on the comparison of existing land uses on and adjacent to the project site. The project site is situated at the northwest corner of 60th Street West and Avenue L, both of which are arterial streets. The project site has residential located to the north and east and a high school to the south. West of the site is vacant land. Therefore, the proposed project would not physically divide an established community and/or uses and impacts would be less than significant.

Potential Impact: The proposed project would not conflict with an applicable Conservation Plan or Natural Community Conservation Plan.

Finding: The City hereby makes Finding 1 with respect to impacts to conservation plans and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: There are no habitat conservation plans or natural community conservation plans that are applicable to the project site. Therefore, the proposed project would not conflict with any habitat conservation plan or community conservation plan and no impacts would occur.

Potential Impact: The proposed project is consistent with both the City of Lancaster's General Plan and the Southern California Association of Governments (SCAG) Regional Comprehensive Plan and Guide (RCPG).

Finding: The City hereby makes Finding 1 with respect to impacts associated with the consistency of applicable land use plans.

Facts in Support of Findings: Consistency of the proposed project with applicable plans was discussed on pages IV.J-6 through IV.J-18 of the Draft EIR. The proposed project would be consistent with the general plan designation and zoning code upon approval of the general plan amendment and zone change. The site redesignation and rezoning would not substantially conflict with applicable policies of the Lancaster General Plan and would work to implement a number of those policies (see Table IV.J-1 of the Draft EIR). The project's consistency with the applicable policies of the RCPG was also analyzed and was deemed to be consistent (see Table IV.J-2 of the Draft EIR). Therefore, impacts would be less than significant.

Potential Impact: The proposed project would be compatible with the surrounding land uses.

Finding: The City hereby makes Finding 1 with respect to impacts to land use compatibility and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on pages IV.J-18 and IV.J-19, compatibility with surrounding land uses would be ensured through compliance with development standards. The design, height, and massing of the buildings included in the proposed project would be consistent with the existing development in the area and the structures would be compatible with the surrounding one- and two-story residential and institutional buildings. Through its proposed uses and architectural form, the proposed project would become fully integrated into the existing streetscape and community. The proposed general plan amendment and zone change would not introduce land uses that would be inconsistent with the policies and intent of the General Plan. Thus, no significant land use compatibility impacts related to the scale and massing of the proposed project would occur.

Potential Impact: The proposed project would not result in a cumulatively considerable land use impact.

Finding: The City hereby makes Finding 1 with respect to land use impacts.

Facts in Support of Findings: In addition to the proposed project, the related projects would be required to either generally conform to the zoning and land use designations for each site or be subject to specific findings and conditions which are based on maintaining general conformance with the land use plans applicable to the area. Development of the proposed project and related project is not anticipated to substantially conflict with the intent of the City's General Plan regarding the future development of Lancaster, or with other land use regulations required to be consistent with the General Plan, such as the zoning code. Development of the proposed project would not be expected to result in cumulatively considerable effects with respect to land use regulations. Therefore, no mitigation is required and impacts would be less than significant.

J. NOISE

The thresholds of significance for noise impacts are listed in Section IV.K on pages IV.K-10 through IV.K-12 of the FEIR.

Potential Impact: The proposed project would result in an increase in noise levels as a result of construction activities.

Finding: The City hereby makes Finding 1 with respect to construction noise impacts associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Impacts from construction noise was analyzed on pages IV.K-12 through IV.K-14 of the EIR. This analysis examined the noise levels that could potentially be generated during different types of construction activities and the noise impacts that they would have on the sensitive uses in the immediate vicinity (Quartz Hill High School to the south and residences to the north and east). It was determined that the site preparation/grading activities would generate the loudest noise levels of 86 dBA at 50 feet. Due to the distance from the project site, the noise levels experienced at the residences to the north and east would be approximately 71.4 dBA and approximately 75.1 dBA at the high school. While this would be an increase in the noise levels experienced at these locations, it is less than the thresholds and would be temporary in nature. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate low-levels of groundborne vibration during construction activities.

Finding: The City hereby makes Finding 1 with respect to groundborne vibration impacts to sensitive receptors during construction activities and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Impacts from construction generated groundborne vibration were discussed on pages IV.K-14 and IV.K-15 of the EIR. It was determined that vibration levels would be approximately 87 VdB at 25 feet of the construction activities. Due to the distance from the project site, the residences are anticipated to experience vibration levels at approximately 77.4 VdB and the high school at approximately 76.1 VdB. This is less than the established threshold of 80 VdB. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would generate increase noise levels from vehicular traffic during both the weekdays and on the weekends.

Finding: The City hereby makes Finding 1 with respect to noise impacts generated by vehicular traffic associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on pages IV.K-15 through IV.K-18, the noise levels in the area around the project site would increase as a result of vehicular traffic associated with the proposed project. Noise modeling was conducted for 40 roadway segments for weekday and weekend (Saturday) traffic. As shown in Table IV.K-10, roadway noise would increase a maximum of 1.8 dBA during the weekday. This increase would occur on the roadway segment of 60th Street West north of Avenue J. During the weekend, the roadway noise would increase a maximum of 1.8 dBA (Table IV.K-11). This would occur on the roadway segment on Avenue M, east of 60th Street West. These increases are less than the 3 dBA threshold and therefore, impacts would be less than significant.

Potential Impact: The proposed project would increase the periodic noise levels associated with loading dock/solid waste collection and HVAC systems.

Finding: The City hereby makes Finding 1 with respect to periodic noise impacts associated with operation of the proposed project.

Facts in Support of Findings: As discussed on pages IV.K-19 through IV.K-20, intermittent noise level increases would occur in association with delivery trucks, loading dock activities, solid waste collection, and HVAC systems. Loading activities involving small/medium sized trucks generate noise in the range of 60 to 65 dBA, while larger trucks and trash collection activities generate noise in the range of 70 to 75 dBA at 50 feet. The generation of single event noise levels (SENL) should be no greater than 15 dBA above the noise objectives in the General Plan. Therefore, SENL cannot exceed 80 dBA at the adjacent single family residences. As the trucks are not anticipated to generate levels in excess of 70 to 75 dBA, impacts would be less than significant.

The operation of heating, ventilation, and air condition systems (HVAC) systems could result in noise levels that average between 50 and 65 dBA Leq at 50 feet from the source. As 24-hour CNEL noise levels are about 6.7 dBA greater than 24-hour Leq measurements, the HVAC equipment associated with the proposed project could generate noise levels that average between 57 and 72 dBA CNEL at 50 feet when the equipment is operating continuously over a 24-hour period. These units would be screened which would result in a reduction in the noise levels. With proper screening the noise levels generated by the HVAC systems would be similar to the existing noise levels and impacts would be less than significant.

Potential Impact: The proposed project could result in a cumulative noise impact.

Finding: The City hereby makes Finding 1 with respect to cumulative noise impacts.

Facts in Support of Findings: Cumulative noise impacts were discussed on pages IV.K-20 through IV.K-22 of the Draft EIR. As discussed, future construction associated with the related projects would result in a cumulatively significant impact with respect to temporary or periodic increases in noise levels. The closest related project is the proposed Lane Ranch Development at the southeast corner of 60th Street West and Avenue L. The proposed Lane Ranch Development would result in significant unavoidable noise impacts to the residences to the east and north. In the event that both of these projects are constructed at the same time, a cumulatively significant impact would occur. However, as the proposed project would not result in significant unavoidable noise impacts, its contribution is not cumulatively considerable.

Cumulative mobile source noise impacts would occur primarily as a result of increased traffic on local roadways due to the proposed project and related projects within the study area. Cumulative development along with the proposed project would increase local noise levels a maximum of 16.8 dBA CNEL. This would occur on the roadway segment of Avenue K-8 east of 60th Street West. However, the traffic generated by the operation of the proposed project would only contribute a maximum of 1.7 dBA CNEL to roadway

noise. This would occur on the roadway segment of Avenue L between 65th Street West and 60th Street West. Therefore, the project's contribution is not cumulatively considerable and impacts are less than significant.

L. POPULATION AND HOUSING

The thresholds of significance for population and housing impacts are listed in Section IV.L on pages IV.L-1 and IV.L-2 of the FEIR.

Potential Impact: The proposed project would result in a less than significant impact with respect to substantial population growth in an area, either directly (by proposing new homes and businesses) or indirectly (through extension of roads or other infrastructure).

Finding: The City hereby makes Finding 1 with respect to impacts with respect to substantial population growth associated with the proposed project and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Population growth, in terms of employment, housing, and population numbers, were addressed on pages IV.L-2 through IV.L-5 of the Draft EIR. As determined in this analysis, the proposed project would result in an increase in employment, population, and housing demand. However, these increases have already been accounted for in the growth projections for the City and impacts would be less than significant.

Potential Impact: The proposed project would result in a cumulative impact with respect to substantial population growth.

Finding: The City hereby makes Finding 1 with respect to cumulative population growth impacts and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: Cumulative impacts with respect to population, employment and housing growth were analyzed on pages IV.L-5 and IV.L-6 of the Draft EIR. As determined in this analysis, the cumulative impacts would be less than significant.

M. PUBLIC SERVICES

The thresholds of significance for public service impacts are listed in Section IV.M on pages IV.M-2, IV.M-8, IV.M-13, IV.M-20, and IV.M-23 of the FEIR.

Potential Impact: The proposed project would have a less than significant impact to fire protection services during construction activities.

Finding: The City hereby makes Finding 1 with respect to impacts to fire protection services during construction.

Facts in Support of Findings: As discussed on pages IV.M-2 and IV.M-3 of the Draft EIR, construction activities would increase the potential for accidental fires from mechanical equipment, flammable construction materials and discarded cigarettes. Implementation of good housekeeping practices would minimize the potential for these types of accidents to occur. Construction activities could also affect fire protection services through partial road closures; however, these are not anticipated to cause significant impacts as the closures are announced in advance, flagmen are generally present, and alternative routes are available. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would have a less than significant impact to fire protection services during the operation of the proposed development.

Finding: The City hereby makes Finding 1 with respect to impacts to fire protection services during operation of the development.

Facts in Support of Findings: As discussed on pages IV.M-3 and IV.M-4 of the Draft EIR, operational activities would not result in significant impacts to fire protection services. The proposed project would not involve activities during its operational phase that could impede public access or travel upon public rights-of-way or would interfere with an adopted emergency response or evacuation plan. Hydrants, water lines, and water tanks would be installed per Fire Code requirements and would be based upon the specific land uses of the proposed project. Therefore, with respect to fire flows, fire protection would be adequate. Based on the existing staffing levels, equipment, facilities, and response distance, LACFD would not be able to accommodate the proposed project's demand for fire protection service without the addition of manpower, equipment, and facilities. With the payment of the required developer fees, the impacts to LACFD would be less than significant. Additionally, Mitigation Measures M.1-1 through M.1-9, have been identified which would reduce impacts to less than significant levels.

Potential Impact: The proposed project in conjunction with the related projects would result in a less than significant cumulative impact with respect to fire protection services.

Finding: The City hereby makes Finding 1 with respect to cumulative fire protection service impacts

Facts in Support of Findings: As discussed on pages IV.M-4 and IV.M-5 of the Draft EIR, implementation of the proposed project in conjunction with the 81 related projects would increase the demand for fire protection services in the project area. Specifically, there would be increased demands for additional LACFD staffing, equipment, and facilities. This need would be funded via existing mechanisms to which the applicants of the proposed project and related project would be required to contribute. In addition, each of the related projects would be individually subject to LACFD review, and would be required to comply with all applicable fire safety requirements of the LAFCD and City of Lancaster in order to adequately mitigate fire protection impacts. No additional

mitigation is necessary or required. Therefore, cumulative impacts on fire protection would be less than significant.

Potential Impact: The proposed project would result in a less than significant impact to police services during both construction and operation.

Finding: The City hereby makes Finding 1 with respect to impacts to police services as a result of the proposed project.

Facts in Support of Findings: As discussed on page IV.M-9 of the Draft EIR, during construction the project site can be a source of attractive nuisance if not properly maintained. Additionally, construction activities could cause minor traffic delays. However, impacts to police response time would be minimal and temporary. Therefore, the proposed project's construction-related impacts to police protection services would be less than significant.

Operation of the proposed development would result in a substantial increase in activity on the project site, thus an increase in the demand for police protection services is anticipated. The juxtaposition of the proposed project near sensitive uses such as residences and schools could potentially result in additional crime in the area. However, while the number of calls for police services is expected to increase with development of the proposed project, such calls are typical of problems experienced in existing commercial and residential neighborhoods. Additionally, the Sheriff's Department has stated that the Lancaster Station is staffed and equipped to provide full services to the project site and that no new facilities would be required. Therefore, impacts are less than significant. However, Mitigation Measures M.2-1 and M.2-2 were identified to further reduce the less than significant impact to police protection services.

Potential Impact: The proposed project would result in a cumulative impact to police protection services.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to police protection services.

Facts in Support of Findings: As discussed on page IV.M-10, the proposed project, in combination with the related projects, would increase the demand for police protection services in the project area. Any new or expanded police station would be funded via existing mechanisms to which the proposed project and related projects would contribute. Furthermore, similar to the proposed project, each of the related projects would be individually subject to LACSD review and would be required to comply with all applicable safety requirements of the LACSD and the City of Lancaster in order to adequately address police protection service demands. While the proposed project in combination with the related projects would increase the demand for police protection services, the proposed project's contribution to this demand would not be cumulatively considerable and impacts would be less than significant. No additional mitigation is necessary or required.

Potential Impact: The proposed project would a less than significant impact on schools.

Finding: The City hereby makes Finding 1 with respect to school impacts associated with the proposed project.

Facts in Support of Findings: As discussed on pages IV.M-14 and IV.M-15 of the Draft EIR, the proposed project is a commercial use and as such is not anticipated generate large numbers of students that would need to be accommodate by the existing schools. Specifically, the proposed project is anticipated to generate a total of 20 students: 11 elementary students, 7 middle school students, and 2 high school students. Joe Walker Middle School is currently under capacity and would be able to accommodate the middle school students, while both Quartz Hill Elementary and Quartz Hill High School are over capacity which would result in a potentially significant impact. However, the proposed project would be required to pay school impacts fees in accordance with SB 50. Payment of these fees is considered to provide full and complete mitigation of school facilities impacts. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would result in a cumulative impact to schools.

Finding: The City hereby makes Finding 1 with respect to cumulative impacts to schools.

Facts in Support of Findings: As discussed on pages VI.M-15 through VI.M-18 of the Draft EIR and page III-30 of the Final EIR, implementation of the proposed project in conjunction with the 81 related projects would increase the demand for schools. It is estimated that the related projects in combination with the proposed project would be generate approximately 8,201. None of the public schools that would serve the proposed project and the related projects would have adequate capacity to accommodate the cumulative student generation. Therefore, new or expanded schools may be needed, which would result in a potentially significant cumulative impact. However, two of the projects involve the addition of school space. As such, these projects would not involve the generation of students, but would instead increase available school space. Additionally, all of the projects would be required to pay required developer fees in accordance with SB 50. These payments are deemed to provide full and complete mitigation of school facilities impacts. The payment of these fees is mandatory and would ensure that cumulative impacts upon school services remain less than significant. No additional mitigation is necessary or required. Therefore, the proposed project's impact on schools would not be cumulatively considerable and cumulative impacts would be less than significant.

Potential Impact: The proposed project would not impact parks and recreational facilities.

Finding: The City hereby makes Finding 1 with respect to park impacts associated with the proposed project.

Facts in Support of Findings: Impacts to parks and recreational facilities were addressed on page IV.M-20 of the EIR. As discussed, the proposed project is a

commercial development, not residential and would not generate an increase in permanent residents. No additional mitigation is necessary or required. Therefore, the proposed project would not increase park usage and no impacts would occur.

Potential Impact: The proposed project would result in a cumulative impact to parks.

Finding: The City hereby makes Finding 1 with respect to cumulative park impacts.

Facts in Support of Findings: The proposed project in conjunction with the 81 related projects would increase usage of parks and recreational facilities. Most of the related projects are residential (77) and would generate an increase in permanent population. The proposed project is commercial and would not generate residents. While the project would generate employees, it is not likely that they would utilize parks during work hours, but would utilize the parks near their homes. As the proposed project would result in no impact with respect to parks and recreational facilities, the proposed project's contribution would not be cumulatively considerable and impacts would be less than significant. No additional mitigation is necessary or required.

Potential Impact: The proposed project would not impact library facilities.

Finding: The City hereby makes Finding 1 with respect to impacts to library facilities and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.M-23, the proposed project would not generate new permanent residents which would utilize local library facilities as it is a commercial development. Employees of the development are not likely to utilize library facilities during work hours, instead using facilities closer to their homes. Therefore, no impacts to libraries would occur.

Potential Impact: The proposed project would result in a cumulative impact to library facilities.

Finding: The City hereby makes Finding 1 with respect to impacts to cumulative library impacts and further find that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: The proposed project in conjunction with the 81 related projects would increase usage of library facilities. Most of the related projects are residential (77) and would generate an increase in permanent population. The proposed project is commercial and would not generate residents. While the project would generate employees, it is not likely that they would utilize libraries during work hours, but would utilize the libraries near their homes. As the proposed project would result in no impact with respect to library facilities, the proposed project's contribution would not be cumulatively considerable and impacts would be less than significant.

N. TRANSPORTATION/TRAFFIC

The thresholds of significance for transportation/traffic impacts are listed in Section IV.N on pages IV.N-11 and IV.N-12 of the FEIR.

Potential Impact: The proposed project would have a potentially significant traffic impact at area intersections and roadway segments.

Finding: The City hereby makes Finding 1 and Finding 2 with respect to traffic impacts associated with the proposed project.

Facts in Support of Findings: Traffic impacts associated with the proposed project are discussed on pages IV.N-12 through IV.N-36 of the EIR. As discussed in this section, the proposed project is anticipated to generate approximately 17,076 daily trips with 670 weekday a.m. peak hour trips, 1,528 weekday p.m. peak hour trips, and 2,012 midday Saturday trips. These trips when added to the existing, ambient growth, and related project trips would cause significant impacts at 10 of the 16 intersections and all 8 of the street segments. A total of 23 mitigation measures were identified (N-1 through N-23) which when implemented would reduce all traffic impacts to a less than significant level.

The applicant would be required to pay their fair share of the improvements as determined by the Director of Public Works. Some of the mitigation measures are also conditions of approval for the project. In this instance, the applicant's fair share would be the installation of the improvement. In other instances, the applicant's fair share is covered by the payment of their traffic impact and signal impact fees.

The City has also adopted Ordinance 850, which authorizes the City to collect a separate impact fee for improvements to street segments and intersections located within the County. The funds collected as a result of this ordinance are held in a separate account and will be release to the County to cover the cost of the necessary improvements on County roadways.

Potential Impact: The proposed project would not create a parking impact.

Finding: The City hereby makes Finding 1 with respect to parking impacts.

Facts in Support of Findings: Parking was discussed on pages IV.N-36 and IV.N-37 of the EIR. The proposed project would provide the required number of parking spaces for the development in accordance with the City's Municipal Code. No additional mitigation is necessary or required. Therefore, no parking impact would occur.

Potential Impact: The proposed project would not create any impact on Congestion Management Plan (CMP) facilities.

Finding: The City hereby makes Finding 1 with respect to impacts to CMP facilities and further finds that no significant impact will result from the project and no mitigation is required.

Facts in Support of Findings: As discussed on page IV.N-37 of the EIR, for the purposes of the CMP, a substantial change in freeway segments is defined as a 2% increase in the demand to capacity ratio and a change in LOS. A freeway evaluation was conducted and showed a 1.1% increase at LOS D in traffic on the Antelope Valley Freeway. Therefore, no freeway impacts are anticipated as a result of the proposed project. The CMP also indicates that CMP monitoring locations be evaluated for significant traffic impacts if 50 or more trips will travel through the location during the morning or afternoon peak hours. There are no CMP roadway segments or intersections near the project site, and no impact would occur.

Potential Impact: The proposed project would result in a less than significant impact to transit services.

Finding: The City hereby makes Finding 1 with respect to impacts to transit services.

Facts in Support of Findings: As discussed on page IV.N-37, the proposed project is anticipated to generate approximately 837 daily transit trips, with 33 a.m. peak hour trips and 75 peak hour trips. This is not anticipated to create a significant impact. Additionally, the City periodically reviews AVTA's service and funding needs and adjusts its contribution accordingly. In addition, the project includes two transit stops to facilitate transit services to and from the site. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would result in a less than significant cumulative traffic impact.

Finding: The City hereby makes Finding 1 and Finding 2 with respect to cumulative traffic impacts.

Facts in Support of Findings: The traffic analysis referenced above, was a cumulative analysis as it included the traffic generated by the related projects. With implementation of the identified traffic mitigation measures (N-1 through N-23), the proposed project would not generate a cumulatively considerable traffic impact and cumulative impacts would be less than significant.

O. UTILITIES

The thresholds of significance for utilities are listed in Section IV.O on pages IV.O-2, IV.O-10, IV.O-18, IV.O-24, and IV.O-29 of the FEIR.

Potential Impact: Impacts from wastewater generation associated with the proposed project would be less than significant.

Finding: The City hereby makes Finding 1 with respect to wastewater impacts associated with the proposed project.

Facts in Support of Findings: Impacts from wastewater generation were discussed on pages IV.O-2 and IV.O-3 of the EIR. As discussed, the proposed project was anticipated

to generate approximately 47,321 gallons per day (gpd) of wastewater. This amount of wastewater is within the remaining capacity of the Lancaster Water Reclamation Plant (LWRP). In response to a letter received from the Sanitation District on the Draft EIR, the generation rates for wastewater were revised. Based on the new generation rates, it is anticipated that the project would generate approximately 74,192 gpd of wastewater (see page III-37 of the Final EIR). This amount of wastewater is still within the capacity of the LWRP. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: Cumulative impacts from wastewater generation would be less than significant.

Finding: The City hereby makes Finding 1 with respect to cumulative wastewater impacts.

Facts in Support of Findings: Cumulative impacts from wastewater generation were discussed on pages IV.O-3 through IV.O-6 of the EIR. As discussed, the proposed project in conjunction with the related projects was anticipated to generate approximately 2,372,502 gpd of wastewater. The LWRP does not currently have sufficient capacity to accommodate all of the wastewater generated by the project and related projects. However, the LWRP is currently upgrading its facility to process 18 million gpd. With completion of the upgrade, the LWRP would be able to accommodate all of the wastewater generated. In response to a letter received from the Sanitation District on the Draft EIR, the generation rates for wastewater were revised. Based on the new generation rates, it is anticipated that the proposed project and related projects would generate approximately 3,331,323 gpd of wastewater (see page III-39 of the Final EIR). This amount of wastewater is still within the capacity of the LWRP once it is upgraded. No additional mitigation is necessary or required. Therefore, impacts would be less than significant.

Potential Impact: The proposed project would have a less than significant impact with respect to water consumption.

Finding: The City hereby makes Finding 1 with respect to impacts associated with the amount of water consumed by the project.

Facts in Support of Findings: The amount of water that the proposed project would consume is discussed on page IV.O-11 of the Draft EIR and pages III-39 through III-45 of the Final EIR. It was estimated that the proposed project would use 56,785 gallons of water per day. The water generation rates were revised based on a Sanitation District letter on the Draft EIR. Using the revised rates, the amount of water the proposed project is anticipated to utilize is 90,121 gpd. Los Angeles County Waterworks previously provided a water availability letter for the project. Since that time, the water situation has changed and water availability letters are not currently being issued. However, in a letter dated October 1, 2008, Los Angeles County Waterworks allotted the City of Lancaster 1,000 acre feet to assign to important projects within the City of Lancaster. The City has prepared a Water Allocation Policy to "effectively allocate this limited water supply and

ensure that projects moving forward provide the greatest benefit for the City of Lancaster and its residents". Copies of this policy can be viewed at City Hall. It is assumed that the applicant would apply for water from this allotment in accordance with the policy and be granted the water necessary. Therefore, impacts associated with water resources would be less than significant.

Potential Impact: The proposed project could generate potentially significant cumulative water impacts.

Finding: The City hereby makes Finding 1 with respect to cumulative water impacts associated with the proposed project.

Facts in Support of Findings: Cumulative impacts to water resources were discussed on pages IV.O-12 through IV.O-15 of the Draft EIR and pages III-45 through III-47 of the Final EIR. As discussed the proposed project in conjunction with the related projects would consume approximately 3,998,678 gallons of water per day. This amount of water would significantly impact the available quantities of water. Each related project would be required to obtain a water availability letter prior to project approval and would not be able to move forward without such letter. Therefore, cumulative water impacts would not be significant. Furthermore, the Los Angeles County Waterworks has provided Lancaster with a specific amount of water to be allocated to priority projects and therefore, the proposed project has a guaranteed source of water; its contribution to this impact would not be cumulatively considerable.

Potential Impact: The proposed project would result in a less than significant impact on solid waste services.

Finding: The City hereby makes Finding 1 with respect to solid waste impacts associated with the proposed project.

Facts in Support of Findings: As discussed on page IV.O-18 of the Draft EIR, the proposed project is anticipated to generate approximately 1,723 pounds of solid waste per day. The Lancaster Landfill and Recycling Center currently is permitted to accept 1,700 tons per day of solid waste and accepts approximately 1,500 tons per day. The proposed project would represent approximately 0.05 percent of the solid waste the Lancaster Landfill and Recycling Center is currently permitted to take on a daily basis and 0.43 percent of the remaining daily permitted throughput. Therefore, adequate capacity exists to accommodate the solid waste generated by the proposed project and impacts would be less than significant. No additional mitigation is necessary or required.

Potential Impact: The proposed project would not result in a cumulatively considerable impact to solid waste.

Finding: The City hereby makes Finding 1 with respect to cumulative solid waste impacts.

Facts in Support of Findings: As discussed on pages IV.O-19 through IV.O-22 of the Draft EIR and page III-49 of the Final EIR, implementation of the proposed project in

conjunction with the 81 related projects would generate approximately 142,087 pounds per day (71.04 tons) of solid waste. The Lancaster Landfill and Recycling Center has a remaining capacity of 200 tons per day. As such, it would have adequate existing capacity to handle the 71.04 tons per day as a result of the proposed project in combination with the related projects. Therefore, the proposed project would not contribute to a cumulative considerable effect on solid waste resources. No additional mitigation is necessary or required.

Potential Impact: The proposed project would not significantly impact the Southern California Gas Company's ability to provide natural gas services.

Finding: The City hereby makes Finding 1 with respect to impacts to natural gas supply systems.

Facts in Support of Findings: As discussed on pages IV.O-24 and IV.O-25 of the Draft EIR, the proposed project is expected to consume approximately 33,307 cubic feet of natural gas per day. The Southern California Gas Company anticipates having adequate supply and facilities to serve the project site. As an adequate supply is anticipated, the increase in natural gas consumption as a result of the proposed project would be less than significant. Additionally, the proposed project has built in energy conservation features (see Section II, Project Description) and shall also comply with Title 24 energy conservation standards which would further reduce the project's less than significant natural gas impact. No additional mitigation is necessary or required.

Potential Impact: Cumulative impacts associated with the related projects would not substantially affect the provision of natural gas services.

Finding: The City hereby makes Finding 1 with respect to impacts to natural gas services.

Facts in Support of Findings: As discussed on pages VI.O-25 through VI.O-28 of the Draft EIR and pages III-49 and III-50 of the Final EIR, implementation of the proposed project in conjunction with the 81 related projects would increase the demand for natural gas. The estimated natural gas consumption by the related projects in combination with the proposed project would be approximately 1,517,438 cubic feet per day. The combined total natural gas consumption of the related and proposed projects would increase demand for natural gas. Future development projects within the service area of the Gas Company would be subject to locally mandated energy conservation programs. As with the proposed project, the Gas Company undertakes expansion or modification of natural gas service infrastructure to serve future growth within its service area as required in the normal process of providing service. Cumulative impacts related to natural gas service would be addressed through this process. No additional mitigation is necessary or required. As such, the proposed project would not contribute to cumulatively considerable effects on natural gas supplies and infrastructure.

Potential Impact: The proposed project would not affect electrical services in the City of Lancaster that would require new facilities

Finding: The City hereby makes Finding 1 with respect to impacts to electricity demand and electricity distribution infrastructure.

Facts in Support of Findings: As discussed on page IV.O-30 of the Draft EIR, the project is expected to consume approximately 14,118 kilowatt hours (kWh) per day of electricity. Southern California Edison undertakes expansion and/or modification of electricity distribution infrastructure and systems to serve future growth in the City of Lancaster as required in the normal process of providing electrical service. No additional mitigation is necessary or required. Impacts related to electrical power distribution would be addressed through this process and impacts would be less than significant.

Potential Impact: Cumulative impacts associated with the related projects would not substantially affect the provision of electrical services.

Finding: The City hereby makes Finding 1 with respect to impacts to electricity demand and electricity distribution infrastructure.

Facts in Support of Findings: As discussed on pages VI.O-30 through VI.O-34 of the Draft EIR and pages III-50 and III-51 of the Final EIR, implementation of the proposed project in conjunction with the 81 related projects would increase the demand for electricity. The estimated electricity consumption by the related projects in combination with the proposed project would be approximately 236,642 kilowatt hours per day. SCE expects that electricity demand will continue to increase annually and execution of plans for new distribution resources will maintain their ability to serve customers. Therefore, these 81 related projects have been factored into the projected load growth for electricity demands. In addition, like the proposed project, all of the related projects would be required to comply with Title 24 of the CCR, which establishes energy conservation standards for new construction. As a result, cumulative electricity impacts are not expected to be significant. No additional mitigation is necessary or required.

6. **FINDINGS ON PROJECT ALTERNATIVES CONSIDERED IN THE DRAFT EIR**

The CEQA Guidelines indicate that an EIR must "[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines § 15126.6(a).) Accordingly, the alternatives selected for review in the DEIR and FEIR focus on alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the projects' objectives (i.e., the alternatives could impede to some degree the attainment of project objectives, but still would enable the project to obtain its basic objectives). Three alternatives to the proposed project were considered in the FEIR, as follows:

- Alternative 1: No Project Alternative
- Alternative 2: Existing Zoning Alternative
- Alternative 3: Reduced Density Alternative

Each of these alternatives was considered in terms of their ability to reduce significant impacts of the proposed projects, their feasibility and ability to achieve the project's objectives. The project's objectives are as follows:

- To create development on the currently underutilized project site to provide commercial retail facilities to serve the local community;
- To generate significant sales tax revenues to benefit the general fund;
- To provide a well-designed development that is compatible and complementary with surrounding land uses;
- To provide a development that is financially viable;
- To generate employment opportunities for the local area;
- To mitigate, to the extent feasible, the potential environmental impacts of the proposed project; and
- To provide adequate parking facilities to serve proposed development customers, and employees.

A. *ALTERNATIVES CONSIDERED AND SUBSEQUENTLY DISMISSED*

An EIR must briefly describe the rationale for selection and rejection of alternatives. The Lead Agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are clearly infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (*CEQA Guidelines*, Section 15126.6(f)(3)). This section identifies alternatives considered by the Lead Agency, but rejected as infeasible, and provides a brief explanation of the reasons for their exclusion. As noted above, alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (*CEQA Guidelines*, Section 15126.6(c)). In the Draft EIR, one alternative use and three alternative locations were considered but rejected as infeasible.

Alternative Use

The development of a park on the project was considered and ultimately rejected as infeasible. This alternative was rejected on the basis that the City does not own the project site and that it would not be economically viable and would not maximize the potential of the project site. Additionally, a 28.05 acre park was approved as part of Tentative Tract Map 53229 on October 17, 2005. This park is to be located at approximately 65th Street West and Avenue K-8, immediately northwest of the project site and would consist of picnic areas, open space areas, tot lots, athletic fields, and ball courts.

Alternative Locations

1. Property Immediately North: Immediately north of the project site is an approximately 20 acre site (APN 3204-008-031) which is zoned for residential uses and currently has an approved Tentative Tract Map (TTM 64922) for the development of 84 single family residences. This site was considered for the proposed project; however, it is not large enough to support the proposed development. Additionally, shifting the proposed project

slightly north would not reduce any of the potentially significant impacts identified with the proposed project. Therefore, this alternative was rejected as being infeasible.

2. Property Immediately West: The property immediately to the west of the project site consists of approximately 483 acres and has an approved Tentative Tract Map (TTM 53229) consisting of 1,594 residential lots, a school site, and a park. Moving the proposed project to the west, but still facing Avenue L, was considered but rejected as infeasible because the impacts of the project would remain the same.

3. Property at the Northwest Corner of 60th Street West and Avenue N: This site was initially considered, but rejected as infeasible for two primary reasons. First, the project site is not located within the Lancaster City limits and therefore, the City has no authority to approve or deny a project in this location. Second, while developing the project in this location may reduce some of the impacts associated with developing the project in close proximity to a high school, the impacts that it may reduce were not identified as significant impacts (e.g., impacts to police services). However, the alternative location would increase impacts as a result of the lack of infrastructure (e.g., streets, sanitary sewer, etc.), jurisdictional drainages, and the increased potential from flooding as a result of the site's proximity to the California Aqueduct (the site is approximately 1,600 feet north of the aqueduct).

From comments received during the public comment period, two other alternative locations were identified. Both of these alternatives were considered and rejected in the FEIR.

1. 70th Street West and Avenue L – This location is approximately 0.5 miles west of the project site on Avenue L. This location was considered in the Draft EIR as part of the alternative location 2 – the property located just west of the project site. As discussed above and in the Draft EIR, the property immediately to the west of the project site consists of approximately 483 acres and has an approved Tentative Tract Map (TTM 53229) consisting of 1,594 residential lots, a school site, and a park. Moving the proposed project to the west, but still facing Avenue L, was considered but rejected as infeasible because the impacts of the project would remain the same.

2. 65th Street West and Avenue M – the location identified by the commenter was the northeast corner of 65th Street West and Avenue M (APN 3204-016-094). This parcel is approximately 17 acres which is too small to support the proposed development. Therefore, it was eliminated from further consideration.

B. ALTERNATIVE 1: NO PROJECT ALTERNATIVE

The No Project Alternative is the circumstance under which the project does not proceed. The CEQA Guidelines, Section 15126(e) provide that the “no project” analysis shall discuss the existing conditions as the time the Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved based on current plans and consistent with available infrastructure and community services.

Under the No Project Alternative, the project site would continue to remain vacant and undeveloped, and assumes the continuation of existing conditions at the project site as well as the development of the related project. The potential environmental impacts associated with the No

Project Alternative are described on pages VI-4 through VI-10 of the EIR and also compares the environmental impacts associated with the No Project to those anticipated with the Proposed Project.

The No Project Alternative would avoid most of the environmental impacts associated with the proposed project, but would result in a greater impact with respect to land use and the quality of stormwater runoff when compared to the proposed project. The proposed project would result in significant unavoidable air quality operational impacts which would not occur under the No Project Alternative. In addition, the No Project Alternative would not satisfy any of the project objectives nor would it help to rectify the current job/housing imbalance. With respect to the project objectives, the No Project Alternative would not provide additional employment opportunities and would not provide a development on the currently underutilized project site.

In conclusion, while the No Project Alternative would have less impact than the proposed project, this alternative would fail to meet any of the project's objectives. Further, from a practical standpoint this site would likely eventually develop given its location, thus leading to impacts similar to those discussed under Alternative 2 (Existing Zoning Alternative – residential).

Finding: The No Project Alternative would have less environmental impacts than the proposed project; however, it would not achieve any of the project's objectives, and would most likely result in development as envisioned under Alternative 2 in the long term. The City therefore finds that Alternative 1 is not preferable to the proposed project.

C. ALTERNATIVE 2: EXISTING ZONING ALTERNATIVE

Under the Existing Zoning Alternative (Residential), the project site would developed with approximately 197 single-family residences in accordance with the existing R-7,000 and R-10,000 zoning of the project site. All other aspects of the project remain unchanged. The potential environmental impacts associated with the Existing Zoning Alternative are described on pages VI-10 through VI-19 of the EIR and also compares the environmental impacts associated with the Existing Zoning Alternative to those anticipated with the Proposed Project.

The Existing Zoning Alternative would result in many of the same impacts as the proposed project. However, this alternative would result in greater impacts with respect to air quality during construction, construction noise, schools, parks, libraries and solid waste. The Existing Zoning Alternative would only satisfy some of the project objectives. The proposed project would result in a significant unavoidable operational air quality impact which is not likely to occur under this alternative.

Finding: While Alternative 2 would not create a significant unavoidable operational air quality impact, it would result in greater impacts to other issue areas, including construction air quality, construction noise, schools, parks, libraries, and solid waste. Additionally, this alternative would only meet some of the objectives of the proposed project. The City finds that the Existing Zoning Alternative is less desirable than the proposed project because the alternative does not avoid or substantially lessen a majority of the significant impacts of the proposed project.

D. ALTERNATIVE 3: REDUCED COMMERCIAL DENSITY ALTERNATIVE

Under the Reduce Commercial Density Alternative, a proportionately smaller commercial project would be constructed when compared to the proposed project. Specifically, this alternative would construct a 241,185 square foot development (a 30% reduction compared to the proposed project) similar to the proposed project, but without big box anchor tenant. All other aspects of the project remain unchanged. The potential environmental impacts associated with this alternative were discussed on pages VI-19 through VI-27 of the EIR and also compares the environmental impacts associated with the Reduced Commercial Density Alternative to those anticipated with the proposed project.

The Reduced Commercial Density Alternative would lessen most of the environmental impacts associated with the proposed project. The proposed project would result in a significant unavoidable impact to operational air quality, while the Reduced Commercial Density Alternative would lessen those impacts. The Reduced Commercial Density Alternative would also satisfy many of the project objectives, but not to the extent that the proposed project would satisfy them.

Finding: While Alternative 3 would lessen many of the impacts, the lack of the big box anchor tenant would effectively preclude development of its commercial center, since the secondary commercial uses remaining in the proposed project are not likely to develop without the customer draw created by the anchor tenant. Therefore, the City finds that the Reduced Commercial Density Alternative is not economically viable and would not be likely to proceed.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

The Lancaster City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed project against any significant and unavoidable environmental impacts in determining whether to approve the proposed project. If the benefits of the proposed project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the project. With the implementation of the mitigation measures discussed in the DEIR and FEIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed herein. The City Council identified operational air quality impacts as significant and unavoidable.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the project, all other alternatives set forth in the FEIR are infeasible because they would prohibit the realization of the project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the project and having weighed the benefits of the project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

- A. The project will create a productive and attractive commercial/retail use, providing convenient shopping for the project vicinity and the western area of the City.
- B. The project will augment the City's economic base by yielding \$134,532 in one-time revenues to the City of from sales tax on construction materials and real estate transfer tax. Additionally, over the next 20 years, the project will generate \$38.3 million in tax revenue to the City (\$11.5 million in 2008 dollars). (See *The Commons, Economic Analysis*, pg. 3, attached to hereto as Appendix "B".)
- C. The project will contribute to traffic improvements that will be necessary to hold projected traffic volumes. (See *The Commons at Quartz Hill DEIR*, Section IV-N; *Mitigation Monitoring and Reporting Program*, Section IV above)
- D. The project will provide approximately 580 total full-time and part-time jobs that are vitally important, given the City's unemployment situation. (See *The Commons, Economic Analysis*, pg. 2, attached to hereto as Appendix "B".)
- E. The project will satisfy projected long-term demand for groceries and shopper goods. (See *The Commons, Economic Analysis*, pg. 37 & 46, attached to hereto as Appendix "B".)
- F. The project will expand retail options, with updated, modern, and energy efficient construction, in close proximity to local consumers and provide daytime and nighttime shopping opportunities in a safe and secure environment. (See *The Commons at Quartz Hill DEIR*, pg. II-1 to II-5.)

As the CEQA Lead Agency for the proposed action, the City of Lancaster has reviewed the project description and the alternatives presented in the EIR and fully understands the project and project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, and finds that approval of the project is appropriate.

This Council has identified economic and social benefits and important policy objectives, which result from implementing the project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the project. Given the substantial social and economic benefits that will accrue from the project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency..." Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the project outweigh the identified significant adverse environmental impacts of the project that cannot be mitigated. The City Council finds that each of the project benefits outweighs the unavoidable adverse environmental impacts identified in the DEIR and, therefore, finds those impacts to be acceptable.

MITIGATION MONITORING AND REPORTING PROGRAM
The Commons at Quartz Hill

(GPA 06-04, ZC 06-04, CUP 06-09, TPM 68150)

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
REMARKS						
B-1	The project applicant shall submit a Lighting Mitigation Plan that incorporates reduction of night lighting "spill" onto adjacent parcels to the City of Lancaster for review and approval. The approved Lighting Mitigation Plan shall be installed to the satisfaction of the City of Lancaster.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department		
B-2	The height of the proposed on-site light standards shall be of such height as not to create a nuisance to the adjacent neighbors.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department		
B-3	Entrance and all forms of exterior lighting shall focus illumination downward and onto the project site. A combination of shielding, screening, and directing the lighting away from off-site areas shall be utilized to minimize "spill-over" effects onto adjacent roadways, properties, and open space areas.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department		
B-4	Exterior lighting shall be the lowest intensity necessary for security and safety purposes, while still adhering to the recommended levels of the Illuminating Engineering Society of North America.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department		
B-5	In order to minimize illumination wash onto adjacent areas, parking lot lighting shall utilize non-glare fixtures directed downward onto the project site.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department		
B-6	Parking lot lights shall be oriented to minimize off-site impacts (i.e., the maximum candlepower	Prior to construction,	Receipt of Lighting	Lancaster Planning		

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	shall be aimed away from the off-site viewer).	during construction, prior to occupancy	Mitigation Plan, site observation and documentation	Department			
B-7	Atmospheric light pollution shall be minimized by utilizing street lighting fixtures that cut-off light directed to the sky.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-8	The use of exterior uplighting fixtures for building facades and trees shall be prohibited.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-9	Use of "glowing" fixtures that would be visible from existing communities or public roads shall be prohibited. A glowing fixture is a lantern style fixture, or any fixture that allows light through its vertical components.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-10	Only downlighting for exterior-building mounted fixtures shall be permitted.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-11	The adverse effects of night-lighting shall be mitigated by provision of one or more of the following: (1) low-elevation lighting poles and (2) shielding by internal silvering of the globe or external opaque reflectors.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-12	Exterior lighting fixtures that cut-off light directed to the sky shall be installed to minimize atmospheric light pollution, reflected heat, and daytime glare.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-13	Expansive areas of highly reflective materials,	Prior to construction,	Receipt of Lighting	Lancaster Planning			

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	such as mirrored glass, shall not be permitted.	during construction, prior to occupancy	Mitigation Plan, site observation and documentation	Department			
B-14	The proposed buildings shall incorporate non-reflective exterior building materials (such as plaster and masonry) in their design. Any glass to be incorporated into the façade of the building shall be either of low-reflectivity, or accompanied by a non-glare coating.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
B-15	All roofs shall be surfaced with non-reflective materials.	Prior to construction, during construction, prior to occupancy	Receipt of Lighting Mitigation Plan, site observation and documentation	Lancaster Planning Department			
AIR QUALITY							
D-1	Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).	During construction	Confirmation from project contractor	AVAQMD / Lancaster Public Works Department			
D-2	Apply chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.	During construction	Confirmation from project contractor	AVAQMD / Lancaster Public Works Department			
D-3	Water active grading sites at least three times daily.	During construction	Confirmation from project contractor / Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-4	Enclose, cover, water three times daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			

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D-5	Replace ground cover in disturbed areas as quickly as possible.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-6	Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-7	Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-8	Sweep streets at the end of the day if visible soil material is carried over to adjacent roads.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-9	Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-10	Enforce traffic speed limits of 10 mph or less on all unpaved roads	During construction	Site observation and documentation	AVAQMD / Lancaster Public Works Department			
D-11	The project applicant shall require in the construction specifications for the proposed project that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, are turned off when not in use for an extended period of time (i.e., 5 minutes or longer). The contract specifications shall be reviewed by the City prior to the issuance of excavation permits.	During construction	Confirmation from project contractor	Lancaster Public Works Department			

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D-12	The project applicant shall require in the construction specifications for the proposed project that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. The contract specifications shall be reviewed by the City prior to the issuance of excavation permits.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
D-13	The project applicant shall be required to use off-road equipment with a diesel oxidation catalyst to reduce emissions of NOx by 25% to mitigate impacts from NOx during the grading phase.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
D-14	Architectural coatings with a VOC content of 50 g/liter or less shall be used to mitigate impacts from VOCs during the paving/architectural coatings phase.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
D-15	The proposed project shall follow the guidelines and regulations outlined by AB 32 and the 2006 CAT Report Strategies.	During construction	Confirmation from project contractor	Lancaster Public Works Department			
BIOLOGICAL RESOURCES							
E-1	<p>To avoid disturbance to nesting birds during project construction, one of the following measures shall be implemented:</p> <ul style="list-style-type: none"> Conduct vegetation clearing and grubbing associated with project construction during the non-breeding season (in general, September 1st through January 31st). Grading activities and other construction activities shall be initiated prior to the breeding season (which is generally in the 	No more than 5 days prior to grading	Receipt of nesting bird survey	Lancaster Planning Department			

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	<p>same period identified above) and shall be ongoing throughout the breeding season to prevent birds from establishing nest in the surrounding habitat. If there is a lapse in grading activities of more than five days, a pre-construction survey and survey report (refer below) shall be completed.</p> <ul style="list-style-type: none"> Conduct pre-construction surveys for nesting birds if vegetation clearing and grubbing, grading, and other construction activities are initiated during the nesting season (in general, February 1st through August 31st). Within 30 days of construction-related activities, A qualified wildlife biologist shall conduct weekly nesting bird surveys with the last survey being conducted no more than 5 days prior to initiation of construction-related activities to provide confirmation on presence or absence of active nests in the vicinity (at least 300 feet around the project site). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At a minimum, construction-related activities in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction activities, depending on the species and location. The perimeter of the exclusion buffer shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and 					

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E-2	<p>construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that (1) no active nests are present, or (2) that the young have fledged, shall be submitted to the City prior to initiation of construction activities in the exclusion buffer. The qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.</p> <p>In order to avoid adverse impacts to burrowing owl, a pre-construction survey for burrowing owls shall be performed on the project site not more than 30 days prior to initial ground disturbance. The survey shall be performed according to accepted burrowing owl survey protocols (CBOC 1993, CDFG 1995) by a qualified biologist. A qualified biologist is an individual who has sufficient knowledge, training, and experience identifying and performing surveys for burrowing owl. Following the completion of the survey and prior to initial ground disturbance, a survey results report shall be prepared and submitted to CDFG and the City. The survey results report shall include (but shall not be limited to) (a) a discussion of the survey methods and results; (b) a map indicating the location of occupied burrows (if detected); and (c) a discussion of additional measures to be implemented to avoid and/or minimize adverse impacts to burrowing owls and</p>	<p>Within 30 days prior to ground disturbance</p>	<p>Receipt of burrowing owls survey</p>	<p>Lancaster Planning Department</p>			

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	<p>associated foraging habitat (if necessary). Such avoidance and minimization measures shall be consistent with those provided below.</p> <p>If the pre-construction survey results in negative findings of burrowing owl on the project site (including the 150 meter [approximately 500 foot] buffer zone), no further mitigation would be required. However, if burrowing owl is detected during the survey, proposed grading and development shall be redesigned to avoid destruction of occupied burrows and/or adverse impacts on burrowing owl habitat to provide compliance with the accepted burrowing owl mitigation guidelines (CBOC 1993, CDFG 1995). The burrowing owl mitigation guidelines (CBOC 1993, CDFG 1995) recommend no disturbance within 50 meters (approximately 160 feet) of occupied burrows during the non-breeding season (generally defined as September 1st through January 31st) or within 75 meters (approximately 250 feet) during the breeding season (generally defined as February 1st through August 31st). Avoidance also includes maintaining a minimum of 6.5 acres of foraging habitat contiguous with occupied burrows for each pair of breeding burrowing owls (with or without dependent young) or single unpaired bird. Occupied burrows and associated foraging habitat shall be permanently preserved and managed to promote burrowing owl use. Should occupied burrows and associated habitat be avoided, avoidance and preservation measures shall be described in the survey results letter to</p>					

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E-3	<p>the satisfaction of the CDFG and the City.</p> <p>If occupied burrows and associated foraging habitat cannot be avoided, then a Passive Relocation and Mitigation Plan (Plan) shall be developed. The Plan shall be developed by a qualified biologist to provide compliance with the accepted burrowing owl mitigation guidelines. Additionally, the Plan shall be developed in coordination with the CDFG. At a minimum, the Plan shall include (but shall not be limited to) (a) a description of the passive relocation methods, including (but not limited to) pre-relocation surveys, installation of one-way doors and monitoring, and burrow excavation; and (b) a description of the receiver site, including (but not limited to) location and extent of lands purchased or made part of a conservation easement, existing presence of burrowing owl, number of natural burrows enhanced and/or artificial burrows created, long-term management and monitoring efforts, success criteria (e.g., a pre-established number of breeding burrowing owls using the receiver site), and remedial measures. Approval of the Plan by CDFG shall be required by the City as a condition of project approval. Additionally, initial ground disturbance shall be postponed until completion of passive relocation efforts and associated report has been submitted to the CDFG.</p> <p>If development activities will result in impacts to the off-site active constructed drainage (such as during development of more detailed grading plans), the applicant shall apply for and receive</p>	Prior to grading and construction	Receipt of regulatory permits (or exemptions) identified in the	Lancaster Planning Department		

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	<p>the following regulatory permits (or exemptions) prior to grading near the off-site active constructed drainage:</p> <ul style="list-style-type: none"> • A Streambed Alteration Agreement from CDFG (Section 1600 permit) • A Notice of Intent to receive coverage under the Lahontan RWQCB's General Permit R6T-2003-0004 for minor streambed alteration projects where the Corps does not have jurisdiction. <p>Mitigation shall include construction measures including Best Management Practices for erosion control, as well as compensatory measures such as restoration of the drainage to the pre-existing condition (or better) and installation of riparian or wetland vegetation at a 1:1 ratio to removed vegetation. These measures, if not included as permit requirements, shall be enforced by the City and shall conform to a mitigation plan to be prepared by the applicant and approved by the City prior to receiving grading permit approvals for the project. The mitigation plan shall include methods for implementation as well as monitoring methods, performance criteria, and contingency measures in case of mitigation failure.</p>		mitigation measure			
CULTURAL RESOURCES						
F-1	<p>All contractors and subcontractors shall be informed about the potential for archaeological and paleontological discoveries during construction, and all construction personnel should be informed on the appropriate responses to such discoveries. The information will include a description of the kinds of cultural resources that might be encountered during construction and the</p>	During grading and construction	Field verification that procedure for cultural resource discovery was followed	Lancaster Planning Department / Lancaster Building and Safety Division		

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	<p>steps to be taken if such a find is unearthed.</p> <p>If buried or concealed cultural resources are discovered during excavation, construction, or related development work, all such work is to cease in the vicinity of the find and a qualified archaeologist shall be notified. The find shall be properly investigated and appropriate mitigative and/or protective measures (if necessary) shall be taken. If human remains are found, procedures for their treatment shall follow CEQA guidelines in 14 CCR 15064.5(e).</p>					
GEOLOGY AND SOILS						
G-1	A comprehensive geotechnical investigation for the project site shall be conducted and submitted to the City of Lancaster as part of the permitting process for the proposed project. The specific design recommendations presented in the comprehensive geotechnical reports, specifically with respect to soil corrosivity, shall be incorporated into the design and construction of the proposed project.	Prior to issuance of grading permits	Receipt of geotechnical investigation	Lancaster Planning Department / Lancaster Building and Safety Division		
HAZARDS AND HAZARDOUS MATERIALS						
H-1	If historic septic systems or cesspools are discovered during site development, they shall be abandoned by the project applicant in general accordance with current county and state regulations.	During grading and construction	Receipt of proper abandonment by current county and state regulations	Lancaster Planning Department / Lancaster Building and Safety Division		
HYDROLOGY AND WATER QUALITY						
I-1	The project applicant shall prepare and submit a Notice of Intent (NOI) to comply with the Construction General Permit to the State Water Resources Control Board.	Prior to construction	Receipt of Notice of Intent	State Water Resources Control Board		

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I-2	The project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and erosion control plan per the requirements of the Construction General NPDES Permit.	Prior to issuance of grading permits	Receipt of SWPPP	Lancaster Planning Department / Lancaster Building and Safety Division		
I-3	<p>The project applicant shall implement the following SWPPP BMPs:</p> <ul style="list-style-type: none"> • During construction and operation, all waste shall be disposed of in accordance with all applicable laws and regulations. Properly labeled recycling bins shall be utilized for recyclable construction materials including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials and wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed, regulated disposal site by a licensed waste hauler. • All leaks, drips and spills occurring during construction shall be cleaned up promptly and in compliance with all applicable laws and regulations to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. • If materials spills occur, they should not be hosed down. Dry cleaning methods shall be employed whenever possible. • Construction dumpsters shall be covered with tarps or plastic sheeting if left uncovered for extended periods. All dumpsters shall be well maintained. • The project applicant/developer shall conduct street sweeping and truck wheel cleaning to prevent dirt in storm water. 	Prior to issuance of grading permits	Receipt of SWPPP	Lancaster Planning Department / Lancaster Building and Safety Division		

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I-4	<ul style="list-style-type: none"> The project applicant/developer shall provide regular sweeping of private streets and parking lots with equipment designed for removal of hydrocarbon compounds. The amount of exposed soil shall be limited and erosion control procedures implemented for those areas that must be exposed. Grading activities shall be phased so that graded areas are landscaped or otherwise covered, as quickly as possible after completion of activities. Appropriate dust suppression techniques, such as watering or tarping, shall be used in areas that must be exposed. The area shall be secured to control off-site migration of pollutants. Construction entrances shall be designed to facilitate removal of debris from vehicles exiting the site, by passive means such as paved/graveled roadbeds, and/or by active means such as truck washing facilities. Truck loads shall be tarped. Roadways shall be swept or washed down to prevent generation of fugitive dust by local vehicular traffic. Simple sediment filters shall be constructed at or near the entrances to the storm drainage system wherever feasible. 						
	<p>The project applicant shall construct the proposed 60-inch storm drain along the site in Avenue L. At the terminus, the drain shall connect into a proposed storm drain, or outlet through an energy dissipater structure. The onsite runoff can be outflowed into the proposed</p>	Prior to issuance of grading permits	Confirmation from project contractor	Lancaster Planning Department / Lancaster Building and Safety Division			

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I-5	<p>drain in Avenue L, or the existing storm drain in 60th Street West, with the approval of the City Engineer.</p> <p>Detention shall be required to reduce the post development runoff to 85 percent of the predevelopment runoff rate.</p>	Prior to issuance of grading permits	Confirmation from project contractor	Lancaster Planning Department / Lancaster Building and Safety Division			
PUBLIC SERVICES – FIRE PROTECTION							
M.1-1	The development of this project shall comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-2	Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-3	Fire sprinkler systems are required in most commercial occupancies. For those occupancies not requiring fire sprinkler systems, fire sprinkler systems shall be installed.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-4	The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division			
M.1-5	Fire hydrant spacing shall be 300 feet and shall	Prior to construction,	Site and building	Los Angeles County			

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	<p>meet the following requirements:</p> <p>a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.</p> <p>b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced fire hydrant.</p> <p>c. Additional hydrants will be required if hydrant spacing exceeds specified distances.</p> <p>d. When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.</p> <p>e. A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.</p>	during construction	construction plans and specifications	Fire Department / Lancaster Building and Safety Division		
M.1-6	Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division		
M.1-7	All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior wall of the first story of any building. The centerline of the access driveway shall be located parallel to, and with 30 feet of an exterior wall on one side of the proposed structure.	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division		
M.1-8	Driveway width for non-residential developments shall be increased when any of the following conditions will exist: a. Provide 34 feet in width, when parallel parking is allowed in one side of the access	Prior to construction, during construction	Site and building construction plans and specifications	Los Angeles County Fire Department / Lancaster Building and Safety Division		

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	<p>roadway/driveway. Preference is that such parking is not adjacent to the structure.</p> <p>b. Provide 42 feet in width, when parallel parking is allowed on each side of the access roadway/driveway.</p> <p>c. Any access way less than 34 feet in width in width shall be labeled "Fire Lane" on the final recording map, and final building plans.</p> <p>d. For streets or driveway with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.</p>					
M.1-9	<p>Prior to the issuance of a building permit, the applicant shall pay fire protection fees to the City of Lancaster pursuant to Section 15.76 of the Municipal Code.</p>	<p>Prior to issuance of building permit</p>	<p>Receipt of fire protection fees</p>	<p>Lancaster Planning Department/ Lancaster Building and Safety Division</p>		
PUBLIC SERVICES – POLICE PROTECTION						
M.2-1	<p>The applicant shall fence off the project site during the construction phase.</p>	<p>During construction</p>	<p>Site observation and documentation</p>	<p>Lancaster Planning Department</p>		
M.2-1	<p>The building and layout design of the proposed project shall include crime prevention features, such as nighttime security lighting, and building security systems.</p>	<p>Prior to construction, during construction</p>	<p>Site and building construction plans and specifications</p>	<p>Los Angeles County Sheriff's Department/ Lancaster Building and Safety Division</p>		

MITIGATION MONITORING AND REPORTING PROGRAM
The Commons at Quartz Hill

(GPA 06-04, ZC 06-04, CUP 06-09, TPM 68150)

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
TRANSPORTATION AND TRAFFIC						
60th Street West and Avenue J						
N-1	Currently 60 th Street West and Avenue J is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. Therefore, the project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
N-2	Currently the southbound direction provides a left turn lane and a shared lane for the through and right turn directions. The project applicant shall provide fair share contribution for a second southbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
60th Street West and Avenue J-8						
N-3	Currently 60 th Street West and Avenue J-8 is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The southbound and eastbound directions currently provide a left, through, and right turn lane. The project applicant shall provide fair share contribution for a second southbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
60th Street West and Avenue K						
N-4	Currently 60 th Street West and Avenue K is signalized. The southbound direction currently provides a single left, through, and right turn lane. The project applicant shall provide fair share contribution for a second southbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
N-5	Currently the westbound direction provides a single left, through, and right turn lane. The	Prior to or concurrent with the issuance of	Payment of Fair Share of	Lancaster Planning Department /		

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					Initials	Date	Remarks
60th Street West and Avenue K-8							
N-6	project applicant shall provide fair share contribution for a second left turn lane. Currently 60 th Street West and Avenue K-8 is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards this improvement.	building permits	Intersection improvement cost	Lancaster Public Works Department			
N-7	Currently the southbound direction provides a single left, two through lanes, and right turn lane. The project applicant shall provide fair share contribution for conversion of the right turn lane to a through/right turn lane	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-8	Currently the northbound direction provides a through lane and a right turn lane. Future conditions with other projects indicate a need for a fourth leg to the intersection. The project applicant shall provide fair share contribution towards a second northbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
N-9	Currently 60 th Street West and Avenue K-12 is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			
60th Street West and Avenue L							
N-10	Currently the northbound direction provides a left, through, and right turn lane. The project applicant shall provide fair share contribution to a second northbound through lane. Currently southbound 60 th Street West at	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department			

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60th Street West and Avenue L-4						
N-11	Avenue L provides a left turn lane, a through lane with the curb lane wide enough to provide a right turn movement out of the through lane. The southbound and eastbound ultimate roadway improvements were incorporated into this analysis. However, the project applicant shall provide fair share contribution toward an additional northbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
N-12	Currently, the northbound direction provides a left turn lane and a through lane. The project applicant shall provide fair share contribution to a second northbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
60th Street West and Avenue L-8						
N-13	Currently 60 th Street West and Avenue L-8 is signalized. The northbound direction provides a left turn lane, a through lane, and a right turn lane. The project applicant shall provide fair share contribution to a second northbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
60th Street West and Avenue M/Columbia Way						
N-14	Currently 60 th Street West and Avenue M/Columbia is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards this	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		

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Remarks						
N-15	improvement. The north and eastbound directions provide a single travel lane. The westbound direction provides a shared through/left turn lane and right turn lane and the southbound direction provides a left and shared through/right turn lane. The lanes should be changed to provide left turn lanes in all directions with a second northbound through lane and in the westbound direction a left, through, and through/right, and right turn lane. The project applicant shall provide a fair share contribution to this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
70th Street West and Avenue L						
N-16	Currently 70 th Street West and Avenue L is not signalized. The intersection warrants a traffic signal in future conditions. The project applicant shall provide fair share contribution towards this improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
65th Street West and Avenue L						
N-17	Currently 65 th Street West at Avenue L is a single lane in the northbound direction. The project applicant shall provide fair share contribution to the separation of the right and left turn moves in the northbound lane, to their own lanes.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
55th Street West and Avenue L						
N-18	Currently 55 th Street West and Avenue L is not signalized. The intersection warrants a traffic signal in future conditions without and with the project. The project applicant shall provide fair share contribution towards the improvement.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
N-19	Currently the eastbound direction is a single lane and the westbound direction provides a through	Prior to or concurrent	Payment of Fair	Lancaster Planning		

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50th Street West and Avenue L						
N-20	and right turn lane. The project applicant shall provide fair share contribution toward a second east and westbound through lane. This intersection is currently signalized. Currently, there are single through lanes in the east and westbound direction. The project applicant shall provide fair share contribution toward an additional east and westbound through lane.	with the issuance of building permits	Share of Intersection improvement cost	Department / Lancaster Public Works Department		
45th Street West and Avenue L						
N-21	This intersection is currently signalized. Currently there is a single through lane in the eastbound direction. The project applicant shall provide fair share contribution toward an additional eastbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
40th Street West and Avenue L						
N-22	This intersection is currently signalized. A single through lane is provided in the eastbound direction. The project applicant shall provide fair share contribution toward a second eastbound through lane.	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		
Street Segments						
N-23	The addition of one to three lanes will reduce the significant impacts along the study street segments. The project applicant shall provide fair share contribution to the improvement of Avenue L between 55 th Street West to 60 th Street West for three additional lanes, from 60 th Street West to 62 nd Street West for two additional lanes, and from 62 nd Street West to 65 th Street West for one additional lane. The project applicant shall	Prior to or concurrent with the issuance of building permits	Payment of Fair Share of Intersection improvement cost	Lancaster Planning Department / Lancaster Public Works Department		

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UTILITIES - WATER							
	provide fair share contribution to the improvement of 60 th Street West between Avenue K-8 and Avenue L-8 for three additional lanes.						
O.2-1	The project developer shall ensure that the landscape irrigation system be designed, installed and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.	During construction	Field verification	Lancaster Planning Department / Lancaster Public Works Department			
O.2-2	The project developer shall install either a "smart sprinkler" system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.	During construction	Field verification	Lancaster Planning Department / Lancaster Public Works Department			
O.2-3	The project developer shall select and use drought-tolerant, low-water-consuming plant varieties to reduce irrigation water consumption.	During landscaping	Field verification	Lancaster Planning Department / Lancaster Public Works Department			
O.2-4	The project developer shall install low-flush water toilets in new construction. Low-flow faucet aerators should be installed on all sink faucets.	During interior design construction	Field verification	Lancaster Planning Department / Lancaster Public Works Department Division			

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0.2-5	The City of Lancaster shall allocate water to the proposed project from the 1,000-acre feet of water allotted to the City from County Waterworks.	Prior to occupancy	Field verification	Lancaster Planning Department / Lancaster Public Works Department		