

RESOLUTION NO. 15-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING AN AMENDMENT TO THE ADOPTED GENERAL PLAN OF THE CITY, KNOWN AS GENERAL PLAN AMENDMENT NO. 14-03, AMENDING THE GENERAL PLAN LAND USE DESIGNATION ON THE SUBJECT PROPERTY FROM UR (URBAN RESIDENTIAL) TO NU (NON-URBAN RESIDENTIAL)

WHEREAS, pursuant to Section 3.c of the City Council Resolution No. 93-07, an amendment to the adopted General Plan of the City has been initiated Sustainable Power (sPower) Group, LLC, to re-designate a total of 80± acres of a 725-acre site from Urban Residential (UR) to Non-Urban Residential (NU); and

WHEREAS, notice of intention to consider the General Plan amendment was given as required in 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 was held by the City Council on October 13, 2015; and

WHEREAS, the Planning Commission held a legally noticed public hearing on September 21, 2015, certified the Final Environmental Impact Report (EIR), and adopted all necessary California Environmental Quality Act (CEQA) findings for the project with the finding that the project and associated General Plan amendment and zone change would not create any significant project-specific environmental impacts with incorporation of the identified mitigation measures; however, even with the incorporation of the identified mitigation measures significant and unavoidable cumulative PM<sub>10</sub> and biological resources would occur; further, the Planning Commission voted to recommend to the Council approval of General Plan Amendment No. 14-03; and

WHEREAS, this City Council, based on evidence in the record, hereby adopts the following findings in support of approval of General Plan Amendment No. 14-03:

1. There is a need for the proposed land use designation of NU on the project site in order to allow for development of a cohesive, larger scaled, distributed generation solar energy facility.
2. The proposed designation of NU will be compatible with the existing land use designations of NU, Heavy Agricultural (Los Angeles County), and Development Agreement No. 89-01 primarily surrounding the project site.

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 objectives, and policies of the General Plan for the reasons stated below:

**Objective 3.6** “Encourage efficient use of energy resources through the promotion of efficient land use patterns and the incorporation of energy conservation practices into new and existing development, and appropriate use of alternative energy.”

**Policy 3.6.6** “Consider and promote the use of alternative energy such as wind energy and solar energy.”

5. There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment.
6. The proposed amendment would not adversely affect the economic health of the City because the development proposed would not create a need for significant new City services.
7. The proposed amendment would reduce the demand on the groundwater as compared to development of the project site with residential and commercial uses under the current urban residential/commercial/specific plan designations.
8. The proposed site could be adequately served by services necessary for a solar energy facility, including police and fire, based on 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 EIR. Upon completion of construction, minimal amounts of traffic associated with occasional maintenance operations would be generated, and minimal traffic impacts would occur. Two mitigation measures requiring a traffic management plan during construction and scheduling deliveries outside of peak traffic hours are required to ensure traffic impacts are less than significant.
10. The proposed amendment and subsequent construction of the solar photovoltaic facility would create environmental impacts as discussed in the Final EIR. Potential impacts with respect to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology, land use, noise, public services/utilities, and traffic would be created as a result of construction activities. Mitigation measures are required, which would reduce project-specific impacts to a less than significant level. No significant impacts would occur with operation of the facility.

11. The proposed amendment and subsequent construction of the solar photovoltaic facility would create significant and unavoidable cumulative impacts with respect to PM<sub>10</sub> (in the event that adjacent solar projects are constructed at the same time) and biological resources. Mitigation measures are required, which would reduce the impacts to the extent feasible, but not to a less than significant impact. Therefore, the Planning Commission adopted a Statement of Overriding Considerations in Planning Commission Resolution No. 15-19 stating that the benefits of the proposed project outweigh the impacts.
12. The proposed amendment is in the public interest, because it will help California meet the established goals of using renewable resources to generate a portion of California's electricity. The proposed amendment will allow for the development of a photovoltaic electric generating facility, which can be adequately served by streets, utilities, and public services in the area; in addition, the proposed land use designation would not adversely affect the regional water supply or the City's economic health.

NOW, THEREFORE, BE IT RESOLVED:

The City Council hereby approves General Plan Amendment No. 14-03 to redesignate the subject property from UR to NU.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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BRITT AVRIT, CMC  
City Clerk  
City of Lancaster

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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. 15-55, 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)

\_\_\_\_\_



ORDINANCE NO. 1008

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING THE CITY ZONING PLAN FOR A TOTAL OF 80± ACRES OF A 725-ACRE SITE GENERALLY BOUNDED BY AVENUE G, AVENUE H, 93RD STREET WEST AND 107TH STREET WEST, KNOWN AS ZONE CHANGE NO. 14-03, REZONING THE SUBJECT PROPERTY FROM R-7,000 (SINGLE FAMILY RESIDENTIAL, MINIMUM LOT SIZE 7,000 SQUARE FEET), R-10,000 (SINGLE FAMILY RESIDENCE, MINIMUM LOT SIZE 10,000 SQUARE FEET), AND R-15,000 (SINGLE FAMILY RESIDENTIAL, MINIMUM LOT SIZE 15,000 SQUARE FEET) TO RR-2.5 (RURAL RESIDENTIAL, ONE DWELLING UNIT PER 2.5 ACRES)

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Sustainable Power (sPower) Group, LLC, to change the zoning designation on 80± acres of land of a 725±-acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West from R-7,000 (single family residential, minimum lot size 7,000 square feet), R-10,000 (single family residential, minimum lot size 10,000 square feet), and R-15,000 (single family residential, minimum lot size 15,000 square feet) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres); and

WHEREAS, notice of intention to consider the zone change of the subject properties 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 September 21, 2015 and the City Council on October 13, 2015; and

WHEREAS, the Planning Commission reviewed and certified the Final EIR prepared for the proposed project in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, the Planning Commission adopted the Findings contained in Exhibit "A" and the mitigation measures in Exhibit "B" of Planning Commission Resolution No. 15-19;

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

1. The proposed Zone Change from R-7,000, R-10,000, and R-15,000 to RR-2.5 will be consistent with the General Plan land use designation of NU requested by the applicant.
2. Modified conditions including a change in the project site's General Plan land use designation to provide for a suitable alternative energy site, warrant a revision in the zoning for the subject property which would allow the development of a photovoltaic solar electric generating facility.
3. A need for the proposed zone classification of RR-2.5 exists within the area in order to allow for the development of cohesive, larger scale, distributive generation solar energy facilities. Property zoned as RR-2.5 exists in the area; however, it is in smaller parcels with different owners making it difficult to develop with larger scale solar energy projects.
4. The particular properties under consideration are a proper location for said zone classification within such area, because they are surrounded by similar rural zoning and are served by adequate public access and necessary services for photovoltaic solar facilities.
5. Placement of the proposed RR-2.5 residential zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, access, and electrical infrastructure exist to accommodate the proposed type of development, and the zoning designation will not result in the development of incompatible uses.

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

Section 1. That the subject property is reclassified from R-7,000, R-10,000, and R-15,000 to RR-2.5.

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

I, Britt Avrit, 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 \_\_\_\_\_, 2015, and placed upon its second reading and adoption at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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BRITT AVRIT, CMC  
City Clerk  
City of Lancaster

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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. 1008, 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)

# PLANNING COMMISSION ACTION:

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

AGENDA ITEM: 3.

DATE: 09-21-15

## STAFF REPORT

**GENERAL PLAN AMENDMENT NO. 14-03**

**ZONE CHANGE NO. 14-03**

**CONDITIONAL USE PERMIT NO. 14-15a**

**CONDITIONAL USE PERMIT NO. 14-15b**

**CONDITIONAL USE PERMIT NO. 14-15c**

**CONDITIONAL USE PERMIT NO. 14-15d**

**CONDITIONAL USE PERMIT NO. 14-15e**

**CONDITIONAL USE PERMIT NO. 14-15f**

**CONDITIONAL USE PERMIT NO. 14-16a**

**CONDITIONAL USE PERMIT NO. 14-16b**

DATE: September 21, 2015

TO: Lancaster Planning Commission

FROM: Planning Section, Community Development Division *BZ*  
Development Services Department

APPLICANT: Sustainable Power (sPower) Group, LLC

LOCATION: The proposed solar project would occupy approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West and 107<sup>th</sup> Street West (APNs 3219-016-027, 3219-016-030, 3219-016-031, 3219-017-020, 3265-005-001, 3265-007-002, 3265-007-008, 3267-007-023 thru -027)

The solar facility will be constructed in “phases” which are described below:

- **CUP 14-15a:** 129.542 gross acres – Parcel 1 of Tentative Administrative Parcel Map 73501
- **CUP 14-15b:** 75.072 gross acres - Parcel 5 of Tentative Administrative Parcel Map 73501
- **CUP 14-15c:** 232.952 gross acres - Parcel 4 of Tentative Administrative Parcel Map 73501

- **CUP 14-15d:** 83.215 gross acres – Parcel 2 of Tentative Administrative Parcel Map 73501
- **CUP 14-15e:** 1.176 gross acres – remainder parcel of Tentative Administrative Parcel Map 73501
- **CUP 14-15f:** 111.801 gross acres – Parcel 3 of Tentative Administrative Parcel Map 73501
- **CUP 14-16a:** 40 gross acres (APN 3265-007-002)
- **CUP 14-16b:** 40 gross acres (APN 3265-007-008)

REQUEST:

1. Amendment of the General Plan land use designation for the subject property from UR (Urban Residential) to NU (Non-Urban Residential);
2. Rezone of subject property from R-7,000 (single family residential, minimum lot size 7,000 square feet), R-10,000 (single family residential, minimum lot size 10,000 square feet), and R-15,000 (single family residential, minimum lot size 15,000 square feet) to RR-2.5 (Rural Residential, minimum lot size 2.5 acres);
3. Construction of a 100-megawatt (MW) photovoltaic solar generating facility

RECOMMENDATION:

1. Adopt **Resolution No. 15-19** certifying the Final Environmental Impact Report (EIR), adopting the necessary environmental findings, and recommending to the City Council 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. 14-03** and **Zone Change No. 14-03**.
2. Adopt **Resolution No. 15-20** approving **Conditional Use Permit No. 14-15a**.
3. Adopt **Resolution No. 15-21** approving **Conditional Use Permit No. 14-15b**.
4. Adopt **Resolution No. 15-22** approving **Conditional Use Permit No. 14-15c**.
5. Adopt **Resolution No. 15-23** approving **Conditional Use Permit No. 14-15d**.
6. Adopt **Resolution No. 15-24** approving **Conditional Use Permit No. 14-15e**.
7. Adopt **Resolution No. 15-25** approving **Conditional Use Permit No. 14-15f**.
8. Adopt **Resolution No. 15-26** approving **Conditional Use Permit No. 14-16a**. The approval of CUP No. 14-16a is not valid until the effective date of General Plan Amendment No. 14-03 and Zone Change No. 14-03.

9. Adopt **Resolution No. 15-27** approving **Conditional Use Permit No. 14-16b**. The approval of CUP No. 14-16b is not valid until the effective date of General Plan Amendment No. 14-03 and Zone Change No. 14-03.

BACKGROUND: The project site, with the exception of 80 acres covered by Assessor Parcel Numbers 3265-007-002 and 3265-007-008, is subject to Development Agreement No. 89-01AM. Development Agreement 89-01 became effective on April 17, 1990 and established certain time frames and requirements for the development of the Del Sur Ranch project. This Development Agreement has been amended several times to incorporate changes in the project description, General Plan designations, zoning, and the subdivision map. Currently, the Development Agreement on the subject property has an expiration date of October 17, 2018.

On June 26, 2012, Development Agreement No. 89-01 was amended to allow solar facilities on the subject property with a conditional use permit without changing the existing General Plan designations and zoning. The Development Agreement amendment also allows the City to unilaterally redesignate and rezone the subject property once construction of a solar project has started.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The project site is designated a mix of UR (Urban Residential), C (Commercial), O (Open Space), and P (Public Use) and zoned R-7,000 (single family residential, minimum lot size 7,000 square feet), R-10,000 (single family residential, minimum lot size 10,000 square feet), R-15,000 (single family residential, minimum lot size 15,000 square feet), CPD (Commercial Planned Development), PK (Park), and S (School). A total of 645 acres are covered by the Development Agreement with the remaining 80 acres designated as UR and zoned R-7,000, R-10,000, and R-15,000. The project site is currently vacant, and consists of fallow agricultural uses and undeveloped desert. Sheep grazing currently occurs on the project site.

The General Plan designation, zoning, and land use of the properties surrounding the project site is described below. The property to the west of the project site is located in unincorporated Los Angeles County and designated as A-2-2.5 (Heavy Agricultural, 2.5 acre minimum). The property to the north of the project site is a mix of City and unincorporated Los Angeles County and designated as NU (Non-Urban Residential) and P and zoned RR-2.5, S, and A-2-2.5. The property to the east is located within the City, designated as NU and P, and zoned RR-2.5 and S. The property to the south of the project site is a mix of City and unincorporated Los Angeles County, designated as NU, and zoned RR-2.5 and A-2-2 (Heavy Agricultural, 2 acre minimum).

The surrounding land uses consist of similar solar generation facilities (south and east), SCE's Del Sur Substation, the Tehachapi Renewable transmission line, and the Barren Ridge-Rinaldi transmission line. The Del Sur Elementary School is located at the southeast corner of the project site. In addition to the electrical generation and transmission uses, the area is rural in character, and has some rural residential properties to the east of the project site along Avenue G and 90<sup>th</sup> Street West, two residences south of the project site along Avenue H, and one residence at the southwest corner of 110<sup>th</sup> Street West and Avenue G. Additionally, the community of Antelope Acres is located approximately one mile north of the project site.

PUBLIC IMPROVEMENTS: The project site is bounded to the north by Avenue G, to the east by 90<sup>th</sup> Street West, to the west by 110<sup>th</sup> Street West, and to the south by Avenue H. Avenue G, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West are improved with one lane in each direction in the vicinity of the project site. Avenue H is an unimproved dirt road located along the southern portion of the project site. This roadway does not go all the way through between 90<sup>th</sup> Street West and 110<sup>th</sup> Street West. Two Southern California Edison (SCE) transmission easements run north-south through the property along 100<sup>th</sup> Street West and just west of 105<sup>th</sup> Street West.

ENVIRONMENTAL REVIEW: A Final EIR (SCH #2015021016) has been prepared that analyzes the potential impacts of the proposed project. The Planning Commission, prior to taking action on the proposed project, is required to certify that the Final EIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), and 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. 15-19.

Effective January 1, 1991, applicants whose projects have the potential to result in the loss of fish, wildlife, or habitat through urbanization and/or land use conversion are required to pay filing fees as set forth under Section 711.4 of the Fish and Game Code. Pursuant to Section 21089(b) of the Public Resources Code, the approval of a project is not valid, and no development right is vested, until such fees are paid.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 1,500-foot radius of the project site, posted in three places, posted on the subject property, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, Sustainable Power (sPower) Group, LLC, is requesting a total of eight conditional use permits (CUP) for the construction and operation of a photovoltaic (PV) solar electric energy generating facility in a Rural Residential Zone and on property governed by Development Agreement No. 89-01. The proposed project consists of rows of PV panels which would either be fixed or on trackers. These panels would generate 100 megawatts (MW) of electricity. According to Section 17.080.70.DD of the Lancaster Municipal Code and Development Agreement No. 89-01, a CUP is required for the construction and operation of a solar plant on the subject property.

The City of Lancaster has determined that the development and use of alternative energy is beneficial to the community, and this determination is evident in the decisions made by the City Council. The City Council has implemented several solar and wind energy programs/ordinances, has installed solar panels on City facilities, has become a provider of solar generated electricity to local school districts and other entities, and recently created Lancaster Choice Energy, a community choice aggregator. Additionally, the City's General Plan has several objectives/policies pertaining to alternative energy. These objectives/policies address the need to develop new sources of energy as well as reduce energy consumption. The proposed project is consistent with the City's goals as addressed in Policy 3.6.6, "Consider and promote the use of alternative energy such as wind energy and solar energy" and Specific Action 3.6.6(a), "Work with utility companies and private enterprises in their efforts to incorporate alternative energy resources including...solar energy". Additionally, the State of California has a mandate that requires all electricity providers to obtain 33 percent of their electricity from renewable sources by 2020. While the City encourages businesses and



residences to install solar on their rooftops, carports, shade structures, etc., this type of behind the meter solar is currently limited to 5% of peak demand in a utility's territory.<sup>1</sup>

The proposed project site consists of approximately 725 acres generally bounded by Avenue G, 93<sup>rd</sup> Street, Avenue H, and 107<sup>th</sup> Street West. Approximately 80 acres (APNs 3265-007-002 and 3265-007-008), of the 725-acre site, are designated as UR and zoned R-7,000, R-10,000, and R-15,000. The UR designation, and associated zoning, does not allow for the development of a solar facility and therefore; the applicant has requested a General Plan Amendment (GPA) and Zone Change (ZC) to change the designation and zoning for these two parcels to NU and RR-2.5. The change would make the general plan designation and zoning on this portion of the project site consistent with the designations and zoning in the surrounding area and is necessary to allow the proposed project to move forward.

The remaining 645 acres of the project site is designated as UR, C, O, and P and zoned R-7,000, R-10,000, CPD, PK, and S. These designations and zoning do not allow for the development of commercial scale solar facilities. However, this portion of the project site is covered by Development Agreement No. 89-01 which allows solar development with a CUP. Upon construction of a solar facility on the project site, the Development Agreement gives the City the right to unilaterally change the designation and zoning on the subject property to NU and RR-2.5.

The placement of solar facilities on the westside of Lancaster is attractive to solar developers for a number of reasons including the availability of previously disturbed land and the proximity of existing transmission lines/capacity. The applicant is proposing the construction and operation of a 725-acre, 100-MW solar generating facility and a gen-tie line that connect the proposed project to one of two previously approved collector substations on Avenue J and ultimately into the Antelope Substation.

The proposed project is one large solar generating facility. However, it is likely that the project will be financed and constructed in phases. The developer has requested individual CUPs (14-15a through 14-15f, 14-16a, and 14-16b described above) to facilitate the financing and construction of the proposed project. These eight CUPs are collectively referred to as CUP 14-15 (for property covered by the Development Agreement) and CUP 14-16 (the two parcels subject to a GPA and ZC). CUP 14-15 and CUP 14-16 combined totals the entire 725-acre, 100-MW project.

The proposed project is anticipated to be operated for a period of at least 35 years. The proposed project would consist of the following elements: photovoltaic (PV) modules, module mounting system, electrical inverters and transformers, electrical alternating current collection system, including switchgear, data monitoring equipment, transmission and gen-tie lines, access roads and security fencing. The solar field would consist of single-axis tracking or fixed-tilt systems laid out in a common PV block design to allow for sufficient access. The modules would be oriented toward the south, and angled at a degree that would optimize solar resource efficiency. These photovoltaic panels would convert sunlight directly into electrical energy without the use of heat transfer fluid or cooling water. Electrical connections from a series of PV arrays would be channeled to combiner

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<sup>1</sup> Weissman, Steven and Nathaniel Johnson, The Statewide Benefits of Net-Metering in California & the Consequences of Changes to the Program, Berkeley Law, University of California, Center for Law, Energy & the Environment, February 17, 2012.

boxes located throughout the solar field. Electrical current would be collected and combined prior to feeding the inverters. Inverters would be consolidated in areas to minimize cable routing, trenching, and electrical losses. The final output from the facility would be processed through a transformer to match the interconnection voltage. All electrical inverters, transformers, and gear would be placed on concrete foundation structures. From there, the output of the 34.5 kilovolt (kV) transformers would be collected onto common 34.5 kV feeders.

The 34.5 kV feeders would utilize gen-tie routes constructed underground to feed power to the onsite switching station, ultimately connecting to a previously approved collector substation along Avenue J, and routed to the Antelope Valley Substation for use by SCE. Redundant fiber optic cables would also be routed underground between the collector substation and Antelope Valley Substation for use by SCE.

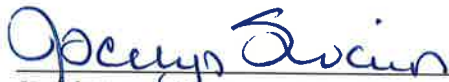
The proposed solar facility would have a switching station/switch gear to consolidate the energy produced on-site. This equipment would be located north of Avenue H, towards the interior portion of the project site. A chain-link fence would surround the project site, and a 10-foot landscaped area would be provided between the fence and property line, as noted on the site plan, to screen the development from public views along adjacent roadways. Access to the various parts of the project site would be provided from a total of 7 gates. These gates are located on 105<sup>th</sup> Street West, Avenue G, and Avenue G-8. These gates would be set back 50 feet from the edge of right-of-way to allow vehicles to fully pull off the roadway when accessing the project site. Water tanks for fire department purposes would be provided at all of the access gates.

Avenue G and Avenue H would be dedicated at 50 feet from centerline along the boundary of the project site. Irrevocable offers of dedication would be provided for 100<sup>th</sup> Street West, 102<sup>nd</sup> Street West, 105<sup>th</sup> Street West, 107<sup>th</sup> Street West, Avenue G-4, Avenue G-8, and Avenue G-12. Specifically, 100<sup>th</sup> Street West would be dedicated at 50 feet from centerline; 105<sup>th</sup> Street West and Avenue G-8 would be dedicated at 42 feet from centerline; and 102<sup>nd</sup> Street West, 107<sup>th</sup> Street West, Avenue G-4 and Avenue G-12 would be dedicated at 32 feet from centerline.

The Final EIR examined the environmental impacts of the proposed project on 12 different resources areas: aesthetics, agriculture resources, air quality/greenhouse gases, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/population/recreation, noise, public services/utilities, and transportation/traffic. These impacts were examined in depth and mitigation measures were provided for potentially significant impacts. Specifically, mitigation measures were provided related to air quality, biological resources, cultural resources, geology, hazards, hydrology, noise, public services, and traffic. These measures are detailed in the Mitigation Monitoring Plan found in Exhibit "B" to Resolution No. 15-19 and in the conditions of approval for each of the conditional use permits. With implementation of the identified mitigation measures, all project-specific impacts would be reduced to less than significant levels. All environmental impacts associated with operation of the proposed project would be less than significant. However, cumulative impacts associated with PM<sub>10</sub> during construction, depending upon the construction schedules of other adjacent solar facilities, and biological resources would be significant and unavoidable even with the identified mitigation measures. These cumulative impacts are deemed acceptable due to overriding considerations as noted in Exhibit "A" of Planning Commission Resolution No. 15-19.

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

Respectfully submitted,



Jocelyn Swain, Associate Planner - Environmental

cc: Applicant  
Engineer

**Attachments:**

Aerial

PC Resolution No. 15-19 (EIR Certification, GPA 14-03, ZC 14-03)

Exhibit "A" (Findings)

Exhibit "B" (Mitigation Monitoring and Reporting Program)

Draft Ordinance (ZC 14-03)

PC Resolution No. 15-20 (CUP 14-15a); Conditions List

PC Resolution No. 15-21 (CUP 14-15b); Conditions List

PC Resolution No. 15-22 (CUP 14-15c); Conditions List

PC Resolution No. 15-23 (CUP 14-15d); Conditions List

PC Resolution No. 15-24 (CUP 14-15e); Conditions List

PC Resolution No. 15-25 (CUP 14-15f); Conditions List

PC Resolution No. 15-26 (CUP 14-16a); Conditions List

PC Resolution No. 15-27 (CUP 14-16b); Conditions List

## RESOLUTION NO. 15-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE NECESSARY ENVIRONMENTAL FINDINGS, AND RECOMMENDING TO THE CITY COUNCIL 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. 14-03 AND ZONE CHANGE NO. 14-03

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 Sustainable Power (sPower) Group, LLC to re-designate 80± acres from Urban Residential (UR) to Non-Urban Residential (NU); 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, minimum lot size 7,000 square feet), R-10,000 (single family residential, minimum lot size 10,000 square feet), and R-15,000 (single family residential, minimum lot size 15,000 square feet) to RR-2.5 (rural residential, minimum lot size 2.5 acres); 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 the 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 September 21, 2015; and

WHEREAS, this Commission hereby certifies, pursuant to Section 15090(a)(1) of the State CEQA Guidelines, that the Final EIR prepared for this proposed project has been completed in compliance with the California Environmental Quality Act (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 taking action on the project; and

WHEREAS, pursuant to Section 15090(a)(3) of the State CEQA Guidelines, this Commission hereby certifies that the Final EIR 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. 14-03 and recommends that the City Council adopt them:

1. There is a need for the proposed land use designation of NU (Non-Urban Residential) on the project site in order to allow for development of a cohesive, larger scaled, distributed generation solar energy facility.
2. The proposed designation of NU will be compatible with the existing land use designations of NU, and Heavy Agricultural (Los Angeles County) surrounding the project site and Sections 3, 4, and 5 of Development Agreement No. 89-01AM.
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 objectives and policies of the General Plan for the reasons stated below:

**Objective 3.6** "Encourage efficient use of energy resources through the promotion of efficient land use patterns and the incorporation of energy conservation practices into new and existing development, and appropriate use of alternative energy."

**Policy 3.6.6** "Consider and promote the use of alternative energy such as wind energy and solar energy."
5. There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment.
6. The proposed amendment would not adversely affect the economic health of the City, because the development proposed would not create a need for significant City services.
7. The proposed amendment would reduce the demand on the groundwater as compared to development of the project site with residential uses under the current urban residential designations.
8. The proposed site could be adequately served by services necessary for a solar energy facility, including police and fire, based on 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 EIR. Upon completion of construction, minimal amounts of traffic associated with occasional maintenance operations would be generated, and minimal traffic impacts would occur. Mitigation measures requiring a traffic management plan and schedule of material deliveries to off-peak traffic hours during construction is required to ensure traffic impacts are less than significant.

10. The proposed amendment and subsequent construction of the solar photovoltaic facility would create environmental impacts as discussed in the Final EIR. Potential impacts with respect to air quality/greenhouse gas emissions, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology, noise, and traffic would be created as a result of construction activities. Mitigation measures are required, which would reduce the impacts to a less than significant level. Potential impacts with respect to aesthetics, agricultural resources, and public services/utilities would be less than significant and no mitigation measures are required. No significant impacts would occur as a result of the operation of the facility.
11. The proposed amendment and subsequent construction of the solar photovoltaic facility could result in significant and unavoidable cumulative PM10 air quality impacts depending upon the construction schedule of other solar facilities and significant and unavoidable cumulative biological resource impacts.
12. The proposed amendment is in the public interest, because it will help California meet the established goals of using renewable resources to generate a portion of California's electricity. The proposed amendment will allow for the development of a photovoltaic electric generating facility, which can be adequately served by streets, utilities, and public services in the area; in addition, 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. 14-03, and recommends that the City Council adopt them:

1. The proposed Zone Change from R-7,000, R-10,000, and R-15,000 to RR-2.5 will be consistent with the proposed General Plan land use designation of NU requested by the applicant.
2. Modified conditions, including a change in the project site's General Plan use designation to provide for a suitable alternative energy site, warrant a revision in the zoning for the subject property which would allow the development of a photovoltaic electric generating facility.
3. A need for the proposed zone classification of RR-2.5 exists within such area in order to allow for the development of cohesive, larger scale, distributed generation solar energy facilities.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is surrounded by similar rural zoning and is served by adequate public access and necessary services for photovoltaic solar facilities.
5. Placement of the proposed RR-2.5 zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because

adequate services, access, and electrical infrastructure exist to accommodate the proposed type of development, and the zoning designation will not result in the development of incompatible uses.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby certifies the Final Environmental Impact Report (SCH #2015021016), prepared for GPA 14-03, ZC 14-03 and Conditional Use Permits 14-15 and 14-16, was prepared in accordance with the California Environmental Quality Act as outlined in Exhibit "A", and further certifies 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 decision, and adopts the findings contained in Exhibit "A" and the mitigation monitoring program as contained in Exhibit "B" of this resolution.
2. This Commission hereby recommends to the City Council approval of General Plan Amendment No. 14-03 to redesignate the subject property from UR to NU.
3. This Commission hereby recommends to the City Council approval of Zone Change No. 14-03 through the adoption of the attached ordinance to rezone the subject property from R-7,000, R-10,000, and R-15,000 to RR-2.5.

PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of September 2015, by the following vote:

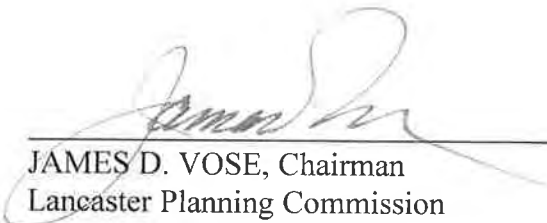
AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

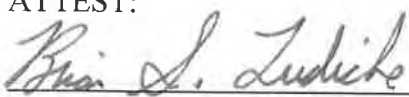
NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:  
  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

## EXHIBIT "A"

### FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR THE DEL SUR SOLAR PROJECT (GENERAL PLAN AMENDMENT 14-03, ZONE CHANGE 14-03, CONDITIONAL USE PERMIT 14-15 [14-15A, 14-15B, 14-15C, 14-15D, 14-15E, 14-15F], AND CONDITIONAL USE PERMIT 14-16 [14-16A AND 14-16 B]), ENVIRONMENTAL IMPACT REPORT 15-01 STATE CLEARINGHOUSE NUMBER 2015021016

#### 1. INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines, 14 California Code of Regulations 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 findings 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 Del Sur Solar Project, dated September 2015 (“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 14-03, Zone Change 14-03, Conditional Use Permit 14-15 (consisting of CUPs 14-15a, b, c, d, e, and f), and Conditional Use Permit 14-16 (consisting of CUPs 14-16a and b) (“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 finding 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 the 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, Development Services Department, 44933 Fern Avenue, Lancaster, California 93534. The Community Development Division is the custodian of the administrative record for the project.

## **2. PROJECT SUMMARY**

### **A. Discretionary Actions**

These Findings set for 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. 14-03, Zone Change No. 14-03, Conditional Use Permit Nos. 14-15A, 14-15B, 14-15C, 14-15D, 14-15E, 14-15F, 14-16A, and 14-16B (collectively known as CUP 14-15 and CUP 14-16).

### **B. Project Location**

The project site is located in the Antelope Valley in the northern portion of Los Angeles County, completely within the City of Lancaster. Portions of some of the potential gen-ties routes are located within unincorporated Los Angeles County. The project site consists of approximately 725 acres and is generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West. The proposed project encompasses the following assessor's parcel numbers (APNs): 3219-016-027, 3219-016-030, 3219-016-031, 3219-017-020, 3265-005-001, 3265-007-02, 3265-007-008, and 3265-007-023 thru -027.

### **C. Project Description**

The proposed project would include the construction and operation of a 100 megawatt (MW) photovoltaic (PV) solar electric generating facility as well as a gen-tie line and communication line to connect the facility to previously approved collector substation(s) on West Avenue J. The proposed project would be constructed in phases including site preparation, facility installation, and commissioning. The proposed project's planned operational lifespan is 35 years. The proposed project would consist of the following elements: photovoltaic modules, module mounting system, balance of system and electrical boxes, electrical inverters and transformers, electrical alternating current (AC) collection system including switchgear, data monitoring equipment, transmission and gen-tie line, communication line, and access roads and security fencing. The proposed project would not require the construction of an on-site operations and maintenance facility.

The proposed project would include a series of PV module arrays mounted onto racking systems. These systems are typically supported by a pile-drive foundation design. The foundation design would be determined based on a full geotechnical study to be completed by the applicant prior to construction and as part of final engineering. The module mounting system or racking system would be a fixed-tilt or tracker PV array configuration oriented to maximize the amount of incident solar radiation absorbed over the course of the year.

The City's zoning ordinance allows solar facilities on property zoned RR-2.5 (rural residential, minimum lot size 2.5 acres) with a Conditional Use Permit (CUP). The project site is designated as a mix of Urban Residential (UR), Open Space (O), Public Use (P), and Commercial (C) by the City's General Plan and zoned R-7,000 (single family residential, minimum lot size 7,000

square feet), R-10,000 (single family residential, minimum lot size 10,000 square feet), R-15,000 (single family residential, minimum lot size 15,000 square feet), S (school), PK (park), and CPD (commercial planned development). These designations do not allow for the development of utility-scale solar facilities. However, a majority of the project site (with the exception of APNs 3265-007-002 and 3265-007-008) is covered by Development Agreement No. 89-01. This Development Agreement was amended on June 26, 2012 to allow utility-scale solar development with a CUP without the need to change the existing general plan designations or zoning. A General Plan Amendment and Zone Change would be required for the two parcels (80 acres) that are not covered by the Development Agreement.

#### **D. Project Objectives**

The following objectives have been established for the proposed project:

- Develop a utility-scale solar energy generating facility and accompanying infrastructure that qualifies as an eligible renewable energy resource;
- Contribute to the diversification of State and local energy portfolios;
- Support the reduction of greenhouse gas emissions in California by providing renewable energy resources;
- Create green jobs in California;
- Use disturbed land or land that has been previously degraded from prior use;
- Use existing electrical distribution facilities, rights-of-ways (ROWs), roads, and other existing infrastructure where possible to minimize the need for new electrical support facilities;
- Minimize impacts to threatened or endangered species or their habitats, wetlands and waters of the United States, cultural resources, and sensitive land use;
- Minimize water use; and
- Reduce greenhouse gas emissions.

### **3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

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

On February 3, 2015, 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 February 11, 2015. The NOP was circulated for a period of thirty (30) days, and a scoping meeting was held on February 19, 2015 in the Community Room at American Heroes Park. A sign was posted on the project site along West Avenue G regarding the proposed project and public scoping meeting. The NOP comment period ended on March 9, 2015. The NOP was filed with the State Clearinghouse on February 3, 2015. The NOP, the newspaper notice, a picture of the sign posted at the project site, and copies of the comment letters received on the proposed project are included in the DEIR as Appendix 1.

The DEIR was made available and distributed to agencies, interested organizations and individuals by the City for public review on July 1, 2015. The forty-five day comment period was provided from July 1, 2015 to August 14, 2015. The Notice of Availability of a Draft EIR was published in the Antelope Valley Press on July 7 and July 11, 2015. A public hearing was held

before the Planning Commission on July 20, 2015, 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 September 2015. The FEIR was distributed to agencies submitting comments on September 10, 2015.

The following documents comprise the FEIR for the project:

- Draft Environmental Impact Report for the Del Sur Solar Project, dated June 2015 including applicable revisions;
- Comments received on the DEIR and responses to those comments, published in the FEIR, dated September 2015; and
- 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 proposed project at its hearing on September 21, 2015 for approval of the conditional use permits and to make a recommendation to the City Council on the general plan amendment and zone change. The City Council will consider the general plan amendment and zone change at its hearing on October 13, 2015.

#### **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 February 3, 2015, 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 FEIR, 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 is necessary.

1. Agriculture and Forestry Resources: The following issues were not analyzed in the Draft EIR for the reasons identified below:
  - *Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production* – The project site is not zoned as forest land, timberland, or timberland production and does not meet the requirements of a timberland zone as defined by Public Resources Code Section 4526. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
  - *Result in the loss of forest land or conversion of forest land to non-forest use* - There are no forests located within the City of Lancaster and the project site consists of former agricultural lands or undeveloped desert. Therefore, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.
2. Air Quality and Greenhouse Gases: The following issue was not analyzed in the Draft EIR for the reason identified below:

- *Create objectionable odors affecting a substantial number of people* – Construction activities of the proposed project would result in equipment exhaust odors that may be considered objectionable by some; however, there are few sensitive receptors located in the immediate vicinity of the project site and construction activities would be temporary. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people.
3. Biological Resources: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan* – There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or State Habitat Conservation Plans that are applicable to the project site. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.
4. Geology and Soils: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for disposal of waste water*– The proposed project would not generate waste water that would need to be disposed of in a septic or sewer system. During construction and operation of the proposed project, portable restroom facilities would be provided for workers. Therefore, no potential impacts with respect to waste water disposal systems would occur.
5. Hazards and Hazardous Materials: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? Or for a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area* – The proposed project is not located within two miles of a public or private airport, or airstrip. The nearest airport is the William J Fox Airfield, located approximately four miles east of the project site. Therefore, no potential impacts associated with aviation safety hazards at the project site would occur.
6. Hydrology and Water Quality: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map* – The proposed project does not involve the construction of any habitable structures, including housing. Therefore, the proposed project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

7. Land Use and Planning: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *Conflict with any applicable habitat conservation plan or natural community conservation plan* – There are not habitat conservation plans or natural community conservation plans that are applicable to the project site. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.
8. Mineral Resources: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? Or, result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan* – The project site does not contain any known mineral deposits or active mineral extraction operations. The City of Lancaster, and the project site, are not considered likely to have large, valuable mineral and aggregate deposits according to the City of Lancaster 2030 General Plan Master Environmental Assessment. Furthermore, the proposed solar facility would be decommissioned at the end of its operational life, thereby allowing future access to any onsite minerals should they be determined to be onsite. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State or in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.
9. Noise: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels or for a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels* – The project site is not located within two miles of an airport, or within the vicinity of a private airstrip. The nearest airport is the William J Fox Airfield, located approximately four miles east of the proposed project site. Therefore, no potential impacts associated with aviation noise at the project site would occur.
10. Population and Housing: The following issue was not analyzed in the Draft EIR for the reason identified below:
- *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere or displace substantial numbers of people necessitating the construction of replacement housing elsewhere* – The project site does not contain any residential uses and no residential uses are included as part of the proposed project. Therefore, the proposed project would not have the potential to displace people or housing and would not require the construction of replacement housing elsewhere.

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
- Agricultural Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural and Paleontological Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use, Population and Recreation
- Noise
- Public Services, Utilities, and Service Systems
- Transportation and Traffic

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 with 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 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 are listed in Section C.2, Aesthetics, on pages C.2-6 and C.2-7 of the FEIR.

**Potential Impact:** The proposed project could have a substantial adverse effect on a scenic vista.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to impact a scenic vista.

**Facts in Support of Findings:** As discussed on pages C.2-7 and C.2-8 of the Draft EIR, and depicted in the visual simulations provided on pages C.2-7 through C.2-16 (Figures C.2-3a through C.2-6b), visual impacts would be temporary and result from the presence of construction activities and equipment within the project site. Vehicles, heavy equipment, project components, and workers would be visible, but primarily limited to viewers in close proximity to the project site. View durations would vary, ranging from momentary views to motorists and extended views should activities remain in the field of view of adjacent residences. However, affected viewers would be aware of the temporary and short-term nature of construction activities, which could decrease their sensitivity. Therefore, visual impacts are considered less than significant during construction.

Visual simulations were prepared from four separate vantage points located around the project site to depict what the views of the project site are likely to be once the solar facility is operational. Based on these simulations, it was determined that while the proposed solar installation would cause a slight increase in the prominence of non-natural features and industrial character, the visual contrast would be minimal compared to existing conditions and is not considered to substantially alter the existing landscape or view quality. Impacts would be less than significant and no mitigation measures are necessary.

**Potential Impact:** The proposed project could substantially damage scenic resources.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to damage scenic resources.

**Facts in Support of Findings:** As discussed on page C.2-17 of the Draft EIR, the visual change associated with the proposed project as viewed from the four visual simulation locations is considered low and would not significantly alter existing form, line, color, or texture of the landscape or visual character/quality. Potential impacts are considered less than significant and no mitigation measures are required.

**Potential Impact:** The proposed project could substantially degrade the existing visual character or quality of the site and its surroundings.

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



**Facts in Support of Findings:** As discussed on pages C.2-17 of the Draft EIR, the potential for the proposed project to substantially degrade the existing visual character or quality of the project site and its surroundings is considered low and would not significantly alter existing form, line, color, or texture of the landscape or visual character/quality. Potential impacts are considered less than significant and no mitigation measures are necessary.

**Potential Impact:** The proposed project could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to create substantial sources of light and glare.

**Facts in Support of Findings:** As discussed on page C.2-17 of the Draft EIR, construction of the proposed project would occur only during daylight hours, Monday through Saturday. The proposed project would not include any permanent sources of nighttime lighting. Solar photovoltaic modules and arrays typically do not create significant glare as the PV modules are designed to absorb sunlight with minimal reflection. While some localized glare could occur to the south, southeast, and southwest (the general direction that panels would face and tilt), any glare is expected to be minor. The project site is buffered by open space, which would further decrease the potential for adverse glare to occur on motorists or within public areas. Therefore, potential glare impacts are considered to be less than significant and would not adversely affect daytime views in the area. No mitigation measures are necessary.

**Potential Impact:** The proposed project would not result in a cumulatively considerable impact with respect to scenic vistas, scenic resources, visual character/quality of the site and its' surroundings, 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:** As discussed on pages C.2-17 and C.-18, the geographic area of cumulative visual analysis is limited to one mile from the project site. At distances greater than 1.0-mile, visual changes of the proposed project begin to blend in with existing views and would likely be shielded from view by the cumulative development. Both the residential receptor (KOP1) and motorists along 90<sup>th</sup> Street West could have views of the proposed project and the cumulative projects within the same viewshed. While construction activities would include the presence of heavy equipment, because views of activities and equipment would be temporary, cumulative visual impacts are considered less than significant.

The cumulative projects would result in permanent visual change and contrast from public views at adjacent viewsheds; however, the proposed project is not found to result in adverse permanent visual change or contrast that would substantially degrade the existing visual character or quality of the project site and its surroundings from any sensitive KOP. Therefore, the project would not contribute to cumulative adverse visual impacts, resulting in a less than significant impact.

The proposed project would not have any permanent source of nighttime lighting and would have no cumulative contribution to such impacts. With regard to a cumulative increase to glare, only one project is close enough to have the potential to combine with the proposed project. However, similar to the proposed project, this cumulative solar PV development is not expected to result in significant localized glare. Any potential glare from this facility

would likely only affect viewers on West Avenue I. Because the proposed project is not expected to have any glare that could reach West Avenue I, it would not contribute to adverse cumulative glare impacts. Impacts would be less than significant.

## ***B. AGRICULTURE***

The thresholds of significance for agricultural impacts are listed in Section C.3, Agricultural Resources, on page C.3-5 of the FEIR.

**Potential Impact:** The proposed project would convert Important Farmland, as designated by the California Department of Conservation, to a nonagricultural use.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to convert agricultural farmland to a non-agricultural use.

**Facts in Support of Findings:** According to the FMMP maps, the project site is designated as Grazing Land, Other Land, and a small portion of Prime Farmland (if irrigated) located at the northeast portion of the project site. The City does not have agricultural zoning; agricultural uses are only allowed under certain zones (RR-1 and RR-2.5). If the site were not developed as a solar field, the site could be developed as a large residential development as currently allowed under the existing entitlements and under the existing City zoning.

A Land Evaluation Site Assessment (LESA) Model was conducted for the project site in accordance with the LESA Model Instruction Manual. The completed LESA Model worksheets and soil surveys for the proposed project are included within Appendix 2 of the Draft EIR. Although the scores exceed the LESA threshold, the project site's ability to sustain agricultural uses is low because the type of crops that grow in the project area are water intensive, and the source of water is not guaranteed for long-term agricultural use. Furthermore, the project site has a development agreement that allows for utility-scale solar projects with a CUP on 645 acres of the 725-acre project site. The project site also has existing entitlements that allow for construction of an urban residential subdivision, school, park, and commercial uses. The development of the solar facility is consistent with the City's long-term plans and compatible with existing and proposed land uses. The City does not have an agricultural zoning designation, and the project site is not currently used for agricultural production. The existing zoning allows for non-agricultural uses on the project site. Therefore, the impacts of the proposed project on agricultural uses would be less than significant.

Construction and decommissioning activities would temporarily disrupt any grazing activities that may occur along the gen-tie and communication lines routes. However, the gen-tie lines and communication line would be placed underground, which would not disturb grazing activities during facility operation. Therefore, impacts would be temporary and less than significant.

**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 uses 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 C.3-7 of the Draft EIR, the project site currently consists of disturbed vacant land that was previously used for agricultural production, and portions of the site (unauthorized) and areas near the gen-tie and communication line routes are currently in use for sheep grazing. However, the existing zoning designations for the parcels within the project boundaries are R-7,000, R-10,000, R-15,000, PK, S, and CPD; the City has no agricultural zoning. These zoning designations do not allow for agricultural uses. There are no Williamson Act lands on or near the project site. Therefore, the construction, operation, and decommissioning activities associated with the proposed project would not conflict with an existing zoning designation or Williamson Act lands, and there would be no impact. No mitigation measures are necessary.

**Potential Impact:** The proposed project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

**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 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 C.3-8 of the Draft EIR, the project site is currently vacant and not used for agricultural production. The closest agricultural use is east of the project site on 90<sup>th</sup> Street West. The construction, operation, maintenance and decommissioning of the proposed project would not impact or convert agricultural uses on the project site or in the surrounding areas. The proposed project would not convert important farmland to a non-agricultural use. In addition, construction and operation of the gen-tie and communication lines would only result in a temporary disruption to agricultural activities and would not result in any permanent conversion of agricultural uses to a non-agricultural use. Therefore, there is no impact with regard to conversion of agricultural lands.

**Potential Impact:** The proposed project would not result in a cumulatively considerable impact with respect to agricultural resources (farmland conversion, zoning/Williamson Act contracts).

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to cumulatively impact agricultural resources.

**Facts in Support of Findings:** As discussed on page C.3-8 of the Draft EIR, and detailed on pages C.3-5 through C.3-8, the proposed project would have a less than significant impact on agricultural resources. Several projects have been approved near the project site and one is expected to start construction in January 2016, which is the same general timeframe as the proposed project. The project site is not in agricultural production and has current entitlements that allow the site to be developed with urban residential, school, and commercial uses. Therefore, construction and decommissioning the proposed project in combination with the cumulative projects would not significantly contribute to the conversion of important farmland to a non-agricultural use. In addition, the construction and decommissioning of the gen-tie and communication line would not cumulatively contribute to the permanent conversion of agricultural land to non-agricultural uses because the lines would be placed underground and once in operation, existing agricultural uses could continue.

If maintenance activities associated with the proposed project and the adjacent solar projects were to occur at the same time, the potential exists for these maintenance activities to disrupt the nearby agricultural lands. Decommissioning activities could result in temporary disruptions to agricultural land uses, such as fugitive dust or water runoff. However, it is unlikely that decommissioning for multiple solar facilities would occur at the same time. However, given that maintenance and decommissioning activities are temporary, the proposed project's contribution to this cumulative impact would be less than significant.

### **C. AIR QUALITY AND GREENHOUSE GASES**

The thresholds of significance for air quality and greenhouse gas impacts are listed in Section C.4, Air Quality and Greenhouse Gases, on page C.4-17 of the DEIR.

**Potential Impact:** The proposed project would be inconsistent with the applicable adopted AQMP.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to conflict with the applicable air quality plan.

**Facts in Support of Findings:** As discussed on page C.4-18 of the Draft EIR, the proposed project would have to comply with all rules and regulations applicable at the time of the proposed project's construction, operation, and decommissioning. Therefore, the proposed project would not conflict with the approved Antelope Valley Air Quality Management District (AVAQMD) Management Plan. Impacts would be less than significant and no mitigation is necessary.

**Potential Impact:** The project would generate emissions of criteria air pollutants that would exceed AVAQMD significant thresholds during construction and operation.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to generate air emissions that violate air quality standards.

**Facts in Support of Findings:** As discussed on pages C.4-18 through C.4-20 of the Draft EIR, construction of the proposed project would have the potential to exceed the AVAQMD PM<sub>10</sub> emissions thresholds (Table C.4-4) without sufficient fugitive dust controls. However, with implementation of Mitigation Measure AQ-1 the proposed project would have less than significant criteria emissions impacts during construction (Table C.4-5). The proposed project would have less than significant criteria emissions impacts during operation (Table C.4-6). Emissions associated with decommissioning would be similar to those produced during construction. As such, Mitigation Measure AQ-1 would apply to decommissioning activities and would ensure that PM<sub>10</sub> emissions were less than significant. All other criteria pollutant emissions (NO<sub>x</sub>, VOC, CO, PM<sub>2.5</sub>, and SO<sub>x</sub>) would be less than the AVAQMD thresholds during all phases of the project. Impacts would be less than significant with mitigation.

**Potential Impact:** The proposed project would generate emissions of toxic or hazardous air pollutants that exceed AVAQMD significance thresholds.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to result in air toxic pollutant impacts.

**Facts in Support of Findings:** As discussed on page C.4-21 of the Draft EIR, the proposed project's emissions of toxic air pollutants is minimal and would consist primarily of diesel particulate matter (DPM) emissions during project construction. No other toxic air pollutant emissions sources other the construction employee's commuting gasoline-fueled vehicle emissions are proposed to be used during project construction or operation. Emissions calculation results (Appendix 3) indicate that the onsite off-road equipment and on-road vehicle tailpipe particulate emissions, for construction and operation annualized over the 30 year project life, would be less than 16 pounds per year before mitigation. Implementation of Mitigation Measure AQ-2 would further reduce emissions by 33 percent. The DPM emissions would be emitted and then dispersed over the several hundred acre project site. Considering the low annual quantity of toxics emissions and their dispersion over the large project site these emissions would not cause any local receptor to incur a cancer risk above 10 in a million or an acute or chronic hazard index of 1 or more. Therefore, the air toxic pollutant impacts would be less than significant.

**Potential Impact:** The proposed project would subject individuals to substantial risk of Valley fever infection.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to expose individuals to Valley fever.

**Facts in Support of Findings:** As discussed on page C.4-21 of the Draft EIR, Valley fever is endemic in the northern portion of Los Angeles County. Fugitive dust emissions from the proposed project could cause exposure to the spores of the Valley fever fungus. This exposure to the spores could cause construction workers, area residents, or Del Sur Elementary School children to contract the disease. The primary way to avoid valley fever is to limit exposure to the spores, and the construction methods and Mitigation Measure AQ-1 would limit the amount of excavation required and would provide significant control of the fugitive dust emissions during construction. The impacts during operation and decommissioning would be lower than those for construction. Therefore, it is concluded that the potential risk from valley fever infection due to the proposed project is less than significant with mitigation.

**Potential Impact:** The proposed project would result in greenhouse gas emissions exceeding the AVAQMD significance threshold.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to generate greenhouse gas emissions during construction and operation.

**Facts in Support of Findings:** As discussed on pages C.4-21 and C.4-22 of the Draft EIR, the project's direct and indirect emissions were calculated (Appendix 3). As shown in Table C.4-7, both construction and operational greenhouse gas emissions would be less than the AVAQMD thresholds. Project decommissioning emissions were not calculated as the equipment and fuel types that would exist 30 or more years in the future are unknown, but it is anticipated that the decommissioning emissions would be lower than the construction emissions. Regardless, the proposed project's annual indirect GHG emissions from the displacement of fossil fuel fired electricity generation is orders of magnitude greater than the proposed project's annualized direct and indirect emissions sources, so the overall effect of the proposed project is to reduce GHG emissions. Therefore, the proposed project would have a beneficial GHG emissions impact.

**Potential Impact:** The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to conflict with a plan, policy or regulation adopted to reduce greenhouse gas emissions.

**Facts in Support of Findings:** As discussed on page C.4-22 of the Draft EIR, there are no federal, State, or local climate change or GHG emissions regulations that directly affect the proposed project's construction. The proposed project is proposing SF<sub>6</sub> containing equipment, which would be subject to the CARB Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulating Gear. Additionally, there are a number of federal, State, and local plans and policies, and GHG emissions reduction strategies that are potentially applicable to the proposed project, either directly or indirectly. Table C.4-8 of the Draft EIR provides a summary of the project's compliance with all potentially applicable GHG plans, policies, and regulations. The proposed project would conform to State and local GHG emissions/climate change regulations and policies/strategies and have less than significant impacts. No mitigation measures are required.

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

**Finding:** The City hereby makes Finding 3 with respect to the cumulative PM<sub>10</sub> air quality impacts and Finding 1 with all other air quality impacts associated with the proposed project.

**Facts in Support of Findings:** As discussed on pages C.4-23 through C.4-25 of the Draft EIR, if construction of the adjacent cumulative projects (CUPs 10-22 and 12-09) were to occur at the same time as the proposed project, the NO<sub>x</sub> and PM<sub>10</sub> emissions would have the potential to cumulatively exceed the AVAQMD emissions significance thresholds. The proposed project would contribute a large fraction of these PM<sub>10</sub> emissions due to its size relative to the other two projects (725 acres versus 338 acres). The proposed project's PM<sub>10</sub> emissions have been mitigated with MM AQ-1; however, even after mitigation, the concurrent construction of the three solar projects would result in a significant and unavoidable (temporary) cumulative impact from PM<sub>10</sub> emissions.

NO<sub>x</sub> emissions associated with the proposed project would be less than significant; however, in conjunction with other projects the potential exists for cumulative NO<sub>x</sub> impacts. Mitigation Measure AQ-2 would require Tier 3 or better engines on all off-road equipment 50 horsepower or greater. This would reduce emissions by 36 percent ensuring less than significant cumulative NO<sub>x</sub> impacts. This measure would also help further reduce emissions of other criteria pollutants. Cumulative impacts with respect to NO<sub>x</sub>, CO, VOC, SO<sub>x</sub> and PM<sub>2.5</sub> would be less than significant.

Greenhouse gas emissions impacts are analyzed as a global cumulative impact, so additional separate cumulative impacts analysis was not performed. Air toxics emissions would be minimal for all of these solar projects, and so there would be less than significant cumulative impacts. Cumulative valley fever and nuisance impacts would also be less than significant cumulatively as long as all of the projects have adequate dust control requirements. Conformance with approved air quality plans is not a subject for cumulative impact determination.

Operation of the proposed project would not result in substantial increase in air pollutant emissions (see Table C.4-6); therefore, the proposed project's contribution would not be

cumulatively considerable. The decommissioning activities and emissions associated with the proposed project are assumed to be similar but lesser in nature than proposed project construction. Therefore, given the reduced cumulative projects' emissions in comparison to the proposed project's construction period, the cumulative emissions impacts during decommissioning, assuming appropriate fugitive dust emissions mitigation, would be less than significant.

#### ***D. BIOLOGICAL RESOURCES***

The thresholds of significance for biological resource impacts are listed in Section C.5, Biological Resources, on pages C.5-21 through C.5-23 of the FEIR.

**Potential Impact:** The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to impact sensitive plant and animal species during construction and operation.

**Facts in Support of Findings:** As discussed on pages C.5-23 through C.5-26 of the Draft EIR, construction of the proposed project would result in direct and indirect impacts to approximately 720.6 acres of native vegetation communities, including 61.9 acres of California poppy fields and 9.1 acres of boxthorn scrub. Gen-tie and communication line construction could temporarily impact up to 17.52 acres of native vegetation depending on the chosen route. Direct impacts to California poppy fields and Cooper's boxthorn scrub would occur as a result of grading during construction activities. Indirect impacts could include alterations in existing light, topography, and hydrology regimes, sedimentation and erosion, soil compaction, the accumulation of fugitive dust, disruptions to native seed banks from ground disturbance, and the colonization of non-native, invasive plant species. The loss of sensitive vegetation communities displaces habitat occupied by sensitive species and reduces foraging habitat. Because of the functional role these plant communities play in the ecology of special status species in the project area, their loss would be considered significant without mitigation. Mitigation Measures BR-1 through BR-4, would minimize impacts to sensitive natural communities. These measures include worker education describing sensitive biological resources that occur on site, implementation of Best Management Practices (BMPs) to minimize and avoid impacts, compensation for permanent impacts to vegetation, and implementation of a Weed Control Plan. Implementation of these mitigation measures would reduce impacts to sensitive vegetation communities to less than significant.

Operational impacts would occur during routine inspection and maintenance of proposed project facilities. These impacts would include, but are not limited to, trampling or crushing of native vegetation by vehicular or foot traffic, alterations in topography and hydrology, increased erosion and sedimentation, and the introduction of non-native and invasive plants due to increased human presence or grazing animals. The operational impacts to sensitive communities are expected to be less than significant and additional mitigation is not recommended. Decommissioning of the proposed project would result in the same types of impacts as construction but on a smaller magnitude. Implementation of Mitigation Measures BR-1 through BR-4 would reduce impacts to sensitive natural communities during decommissioning to less than significant.

**Potential Impact:** The proposed project would have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to impact special status species.

**Facts in Support of Findings:** As discussed on pages C.5-26 through C.5-36 of the Draft EIR, construction and operation of the proposed project is not expected to result in direct or indirect impacts to listed or other special-status plants. State or federally listed plants, candidate, sensitive, or special-status plants were not detected in the Study Area. The Study Area does not support suitable habitat for listed plants and most of the Study Area is comprised of historic agricultural lands subject to extensive sheep grazing. However, some non-listed sensitive plant species may not have been identifiable or may have failed to germinate at the time of surveys. Implementation of Mitigation Measures BR-1 through BR-4, and BR-9 would reduce impacts to sensitive plants to less than significant. In addition to BR-1 through BR-4 identified above, BR-9 would require springtime surveys if the proposed project is not constructed prior to 2018.

Operational impacts to sensitive plants would be the same for native vegetation communities and occur during routine inspection and maintenance of project facilities. Implementation of Mitigation Measures BR-1 through BR-4, and BR-9 would reduce impacts to sensitive plants during operation of the facility to less than significant.

Decommissioning of the proposed project and the gen-tie and communication lines would result in the same types of impacts as construction. However, the magnitude of the disturbance would be less as site grading, pile driving, and other major ground disturbing activities would not be required. Implementation of Mitigation Measures BR-1 through BR-4, and BR-9 would reduce impacts to sensitive plants during decommissioning to less than significant

There are no known threatened or endangered invertebrates, reptiles, amphibians, or mammals in the Study Area. Several special status wildlife species were either identified on the project site or would be expected in the area. Construction activities associated with the proposed project and gen-tie/communication lines could result in the direct loss of sensitive invertebrates and reptiles. These impacts would be considered significant and warrant mitigation. Implementation of Mitigation Measures BR-1 through BR-8 would avoid or reduce direct and indirect impacts to sensitive invertebrates and reptiles to less than significant levels. Operational impacts include increased human presence, the spread of noxious weeds due to the use of new or improved access roads, and increased perch sites for avian predators. Impacts would be less than significant with implementation of mitigation.

Construction activities associated with the proposed project and gen-tie/communication lines and decommissioning activities could result in direct and indirect impacts to a variety of sensitive resident and migratory birds. Direct impacts to most listed species are not anticipated because nesting habitat for most listed birds is not present on site. Swainson's hawk is known to nest approximately two miles from the proposed project and has been observed soaring over the Study Area. This species likely forages in the Study Area although limited nesting habitat is present in the few trees located on the project site. California condor and golden eagle are known from the region and could forage on sheep carrion found



scattered across the Study Area. Burrowing owls, a CDFW Species of Special Concern, are known from the Antelope Valley and suitable habitat occurs throughout the Study Area. Protocol surveys for burrowing owls detected this species along the gen-tie and communication line alignment.

Implementation of Mitigation Measures BR-1 through BR-8 and BR-10 would avoid or reduce direct and indirect impacts to listed and other special-status birds and nesting birds protected by the MBTA and California Fish and Game Code. These measures require worker education describing the sensitive biological resources that occur on site, implementation of BMPs to minimize and avoid impacts to sensitive wildlife and nesting birds, pre-construction surveys for nesting birds, avoidance of active nest sites, compensation for permanent impacts to Swainson's hawk foraging habitat, and implementation of a Weed Control Plan. In addition, the applicant would be required to monitor construction, clean the site of trash, debris and other microtrash, and remove dead animals from the project site. If burrowing owls are displaced, the acquisition and preservation of mitigation lands would also be required. Implementation of Mitigation Measures BR-1 through BR-8, and BR-10 would reduce impacts to special status birds to less than significant levels.

Operational impacts include increased human presence and the spread of noxious weeds due to use of new or improved access roads. Lighting from operation is expected to be minimal, but may be required for emergency repairs or maintenance. Electrical distribution facilities would be undergrounded and would not result in increased risk to birds from collision or electrocution. However, birds flying over the SGF could be at risk of collision with the solar panels. The proposed solar panels for this project would contain an anti-glare coating, which helps absorb light and minimizes the reflection of light. This reduces the potential for lake effect to occur. Implementation of Mitigation Measures BR-1 through BR-8 would reduce impacts to birds from collision through the acquisition and protection of foraging habitat and the implementation of a Bird and Bat Monitoring and Avoidance Plan. These measures would reduce impacts to less than significant levels.

Desert kit fox was detected within the boundaries of the project site and is known to occur in adjacent habitat. Other sensitive mammal species including the Tehachapi pocket mouse and American badger may also occur. Bats including Townsend's big eared bat may forage or roost near the project site. Direct impacts to small mammals such as pocket mice and moderate sized species such as American badger and desert kit fox could include mechanical crushing by vehicles and construction equipment, trampling, exposure to dust, and loss of habitat. Direct impacts to bats include mortality or displacement of bats during ground-disturbing activities associated with construction and decommissioning activities, increased noise levels from heavy equipment, human presence, and exposure to fugitive dust. Noise, vibration, and human activity could disrupt maternity roosts during the breeding season if present.

If these species are present during construction, impacts would be considered significant and warrant mitigation. Implementation of Mitigation Measures BR-1 through BR-12 would avoid or reduce direct and indirect impacts to these species. Implementation of these measures would reduce impacts to sensitive mammals to less than significant levels.

Operational impacts include increased human presence, the spread of noxious weeds due to the use of new or improved access roads, and increased perch sites for avian predators. Operation of the SGF would increase the risk to bats from collision. Because many bat populations are declining, impacts to bats from collision would be considered significant.

Implementation of Mitigation Measures BR-1 through BR-12 include monitoring and the implementation of adaptive management, which would reduce impacts to sensitive mammals to less than significant levels.

**Potential Impact:** The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to impact federally protected wetlands as defined by Section 404 of the Clean Water Act 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 C.5-36 and C.5-37 of the Draft EIR, construction of the proposed project would not result in direct or indirect impacts to federally protected wetlands or jurisdictional waters. Construction of the proposed project would result in impacts to approximately 9.90 acres of CDFW jurisdictional waters (see Appendix 4b). Construction of the gen-tie and communication lines would result in temporary disturbance to up to 6.9 acres of CDFW jurisdictional waters. Decommissioning of the proposed project would have similar but less intense impacts to jurisdictional waters. Compliance with existing regulations, including acquiring a Streambed Alteration Agreement and implementation of a Stormwater Pollution Prevention Plan (SWPPP), would minimize potential water quality impacts, including from erosion and sedimentation.. Mitigation Measures BR-1 and BR-2 require worker education and BMPs including avoidance of refueling near jurisdictional waters. Mitigation Measure BR-4 requires implementation of a Weed Control Plan. Implementation of these mitigation measures would reduce impacts to less than significant levels.

**Potential Impact:** The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential substantially interfere with the movement of native fish/wildlife species, or uses of established wildlife corridors and nursery sites.

**Facts in Support of Findings:** As discussed on pages C.5-37 through C.5-39 of the Draft EIR, construction and decommissioning of the proposed project and gen-tie/communication lines is not expected to result in substantial adverse impacts to wildlife movement in the region. On a local scale, the proposed project may displace some species or restrict movement for species with low dispersal abilities. More mobile species such as birds and larger mammals would likely disperse into adjacent habitat areas during the land clearing and grading phases associated with solar array installation. Because construction would last for approximately one year, it is likely that wildlife use of the area would be temporarily and adversely affected.

The draft DRECP and the Draft County of Los Angeles General Plan have considered wildlife movement in the general region of the Study Area, although there are no known studies or widespread analyses that have been conducted. Migratory birds may utilize the Study Area for breeding, nesting, wintering, and foraging, and would be expected to use the

areas as transient rest sites during migration flights. Desert kit fox and coyotes likely use the Study Area and surrounding lands in search of prey opportunities and denning. This region of the Antelope Valley has been highly fragmented by manmade barriers, including fenced solar facilities, private property, residential housing, and agricultural lands. These barriers inhibit the movement of some species that have limited home ranges or low dispersal ability from moving through the Study Area and may reduce the movement and mobility of some wide-ranging species such as American badgers and desert kit fox. Therefore, impacts to wildlife movement would be considered less than significant (Class III). Nonetheless the implementation of Mitigation Measures BR-1 through BR- 6 and BR-12 would reduce effects of the proposed project on the movement of any native wildlife species or interference with established migratory wildlife corridors.

Operational impacts include night time lighting that increases predation risk and risk of collisions with vehicles. However, these effects are not considered to be significant based on the limited human presence at the project site. Nonetheless the implementation of Mitigation Measures BR-1 through BR-6 and BR-12 would reduce effects on the movement of any native wildlife species.

**Potential Impact:** The proposed project would conflict with local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to conflict with local ordinances protecting biological resources.

**Facts in Support of Findings:** As discussed on page C.5-39 of the Draft EIR, the City of Lancaster General Plan was reviewed for consistency with the proposed project. The General Plan outlines mitigation measures for impacts to sensitive communities, Swainson's hawk foraging habitat, and burrowing owls. With implementation of Mitigation Measures BR-1 through BR-12 the proposed project would be consistent with local policies and ordinances protecting biological resources. Impacts would be less than significant with mitigation.

**Potential Impact:** Development of the proposed project would result in a cumulatively considerable impact to biological resources.

**Finding:** The City hereby makes Finding 1 with respect to cumulative impacts associated with wildlife corridors and Finding 3 with respect to cumulative impacts associated with special-status/sensitive plant and animal species.

**Facts in Support of Findings:** As discussed on pages C.5-39 and C.5-40 of the Draft EIR, the Study Area supports wildflower and grassland habitats that once occurred throughout the Antelope Valley. This habitat provides foraging grounds, dispersal areas, and refugia to a variety of endangered, threatened, rare, and other special-status species. The loss of natural communities within the Antelope Valley has been exacerbated through ongoing infrastructure development, urbanization, and the spread of exotic plant species. In addition to the direct habitat loss, the installation of facility fencing excludes some wildlife from available forage areas and acts as a barrier to movement. Construction of the proposed project and the related projects would result in further loss to natural lands and other habitat that supports special-status species and could contribute to the fragmentation of habitat by altering linkages and movement corridors.

The proposed project and the other solar projects would result in the loss or modification of thousands of acres of vegetation known to support special-status plants and wildlife including Swainson's hawk, American badger, burrowing owl, and desert kit fox. Development of these projects would limit the use of the land for foraging, breeding, or wintering for many species of resident and migratory birds.

Many species of wildlife, including various mammals and foraging raptors, require broad expanses of open land for foraging. Development and intensive agricultural practices continue to restrict access to foraging areas for these species. Because so much of the remaining habitat for the special-status species in the project area has been lost or degraded already, relatively minor changes within remaining habitat, particularly when considered cumulatively, would have significant impacts. The City has a program in place to offset the cumulative loss of habitat from development; this program requires the payment of biological impact fees that the City uses to acquire conservation lands. The proposed project and all other developments in the City that would impact undeveloped land are subject to the fee. In addition, the proposed project is smaller than many of the other solar projects in the cumulative scenario. Nonetheless, because of the large scale of the potential cumulative loss of habitat in the region, the proposed project's incremental contribution to habitat loss and resulting effects to special-status species would be cumulatively considerable.

The placement of fenced solar facilities on the Valley floor would likely impede movement for these animals and limit their movement in the region. Cumulative impacts have the potential to substantially reduce the size of movement corridors and alter the movement patterns. Large areas of foraging habitat remain in the Antelope Valley and wintering birds would likely disperse to those areas both during construction and post development of solar projects in the region. While the project itself only represents a small portion of the available habitat in the region, the impacts of the project and surrounding development would be cumulatively substantial. Implementation of Mitigation Measures BR-1 through BR-7, and B-9 through B-12 would reduce the proposed project's incremental contribution to cumulative impacts to wildlife movement to less than cumulatively considerable.

#### ***E. CULTURAL RESOURCES***

The thresholds of significance for cultural resources are listed in Section C.6, Cultural Resources, on page C.6-12.

**Potential Impact:** The proposed project would cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to cause a substantial adverse change in the significance of a historical resource.

**Facts in Support of Findings:** As discussed in page C.6-13 and shown in Table C.6-1 of the Draft EIR, there are 18 cultural resources within the project area. Seven are isolates and eleven are historic sites/transmission lines. Isolates are not considered historical resources thus need no further consideration. The eleven other historic era sites have not been formally evaluated for CRHR eligibility. All of the historic sites/transmission lines are located within the proposed gen-tie and communication route corridors. Since the proposed gen-tie and communication lines would be underground, and ten of the resources are standing structures or currently being used, they would not be impacted by the proposed project. CA-LAN- 4245 is located within the proposed gen-tie and communication routes. However, since it consists

of standing structures that are currently occupied, it could be avoided during any construction activities associated with the proposed project. Mitigation Measure CR-1 provides more detail on how resources would be avoided and would ensure that impacts are reduced to less than significant.

**Potential Impact:** The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to cause a substantial adverse change in the significance of an archaeological resource.

**Facts in Support of Findings:** As discussed in pages C.6-13 and C.6-14 of the Draft EIR, there are no known significant archaeological resources within the project area. However, unknown and potentially significant buried resources could be inadvertently unearthed during ground-disturbing activities associated with construction of the proposed project. Implementation of Mitigation Measure CR-2 and CR-3 would reduce this impact to a less than significant level. These measures would assist workers in recognizing possible buried cultural resources and any previously unrecorded or unknown archaeological resource discovered during the course of construction to subsequently avoid or provide proper treatment.

**Potential Impact:** The proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to directly or indirectly destroy a unique paleontological resource.

**Facts in Support of Findings:** As discussed on page C.6-14 of the Draft EIR, no fossils are known within the project site or within a one-mile radius of the project site. However, deeper excavation could potentially encounter fossils in older Pleistocene sediments. Implementation of Mitigation Measure CR-4 would reduce this impact to less than significant.

**Potential Impact:** The proposed project would disturb any human remains, including those interred outside of formal cemeteries.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to disturb human remains, including those interred outside of formal cemeteries.

**Facts in Support of Findings:** As discussed on pages C.6-14 and C.6-15 of the Draft EIR, no human remains are known to be located within the project area. However, there is always the possibility that unmarked burials may be unearthed during construction. In the unlikely event of an accidental discovery of any human remains, Mitigation Measure CR-5 would be implemented. Health and Safety Code Section 7050.5, CEQA Section 15064.5(e), and PRC Section 5097.98 mandate the process to be followed in the unlikely event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

**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:** As discussed on page C.6-15 of the Draft EIR, there are multiple other solar projects within 5 miles of the proposed project. With implementation of the identified mitigation measures, the proposed project would not have significant project-specific impacts to paleontological or cultural resources. The proposed project impacts would not contribute to or cause significant cumulative impacts because the project site is not known to be part of a historical district and, because sites are avoided, the proposed project would not contribute to impacting eligible sites. Therefore, cumulative impacts to cultural and paleontological resources would be less than significant with mitigation.

## ***F. GEOLOGY AND SOILS***

The thresholds of significance for geology and soils impacts are listed in Section C.7, Geology and Soils, on pages C.7-12 and C.7-13 of the FEIR.

**Potential Impact:** The proposed project would expose people or structures to potential risk of loss, injury, or death where there is high potential for seismically induced ground shaking.

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

**Facts in Support of Findings:** As discussed on page C.7-13 of the Draft EIR, the proposed project would be subject to ground shaking from a large earthquake on any of the major faults in the region. Seismically induced ground shaking would not be affected by nor would it affect construction, operation or decommissioning of the proposed project or the generation-tie and communication lines. While the potential for seismically induced ground shaking in the project area during project operation is unavoidable, the proposed project would not include any habitable structures that would expose people to significant hazards due to seismic shaking. While project components such as the solar panels and underground lines could be damaged by strong seismic ground shaking, potential damage to the components from seismic events could easily be repaired and would not pose a significant hazard of loss, injury, or death. Impacts would be less than significant.

**Potential Impact:** The proposed project would result in triggering or acceleration of geologic processes, such as landslides, substantial soil erosion, or loss of topsoil.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to cause substantial soil erosion or slope instability issues.

**Facts in Support of Findings:** As discussed on pages C.7-13 and C.7-14 of the Draft EIR, construction of the proposed project and gen-tie/communication and decommissioning could loosen soil and accelerate erosion. The soils in the project area generally contain high percentages of sand and may be susceptible to wind and water erosion. Erosion potential of the soils throughout the project area due to wind ranges from low to moderate and erosion potential from water (sheet and rill erosion) is moderate. Current regulations would require that the proposed project obtain under the Clean Water Act regulations a NPDES General Permit for Storm Water Discharges Associated with Construction Activity as construction would disturb a surface area greater than one acre. Additionally, compliance with the NPDES would require that the applicant submit a SWPPP. The SWPPP would require development and implementation of best management practices (BMPs) to identify and control erosion,

which would reduce the potential for construction triggered erosion. Impacts would be less than significant and no additional mitigation is necessary.

All the project components would be constructed in an area of flat to gently sloping topography and therefore none of the project components would be subject to landslides or other slope stability issues. Operation of the proposed project would not require any significant ground disturbance other than what may be required for repairs. Therefore, significant soil erosion would not be triggered or accelerated due to project operation.

**Potential Impact:** The proposed project would expose people or structures to potential risk of loss or injury where expansive soils or other unsuitable soils are present.

**Finding:** The City hereby makes Finding 1 regarding the proposed project's impacts associated with expansive soils or other unsuitable soils.

**Facts in Support of Findings:** As discussed on pages C.7-14 and C.7-15 of the Draft EIR, all the soils mapped on the project site have low shrink-swell potential and the soil testing verifies that the soils at the project site are non-expansive. Soils on the project site are mildly to moderately corrosive to buried metal. In areas where corrosive subsurface soils underlie the project site, the corrosive soils could have a detrimental effect on concrete and metals. Metal project components such as the screws/piles for the module racking system that will come in direct contact with the corrosive soils could be damaged, potentially causing collapse of portions of the solar array. Compliance with Mitigation Measure GEO-1 would reduce this impact to less than significant levels.

**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:** As discussed on page C.7-15 of the Draft EIR, geologic and soils impacts are typically site-specific. The impacts of each past, present, and reasonably foreseeable projects would be specific to the respective site and its users and would not be in common with or contribute to (or shared with, in an additive sense) the impacts on other sites. In addition, development of each site would be subject to site development and construction guidelines and standards (local, state, and federal) that are designed to protect public safety. In order to be cumulatively considerable, adverse geologic conditions would have to occur at the same time and in the same location as the same or similar conditions of the proposed project. Seismic impacts (groundshaking, earthquake induced ground failure, and fault rupture) from the numerous local and regional faults comprise an impact of the geologic environment on individual projects and would not introduce cumulatively considerable impacts. Impacts from unsuitable soils (expansive or corrosive soils) would also represent an impact of the environment on individual projects and would not be cumulatively considerable. Therefore adverse impacts from the proposed project would not be cumulatively considerable.

## ***G. HAZARDS AND HAZARDOUS MATERIALS***

The thresholds of significance for hazards and hazardous materials impacts are listed in Section C.8, Hazards and Hazardous Materials, on page C.8-6 of the FEIR.

**Potential Impact:** Soil and groundwater contamination could result from accidental spills or leaks and create a hazard to people or the environment through the routine transport, use, or disposal of hazardous materials.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with the accidental spills or leaks and create a hazard to people or the environment through the routine transport, use, or disposal of hazardous materials.

**Facts in Support of Findings:** As discussed on pages C.8-6 through C.8-8 of the Draft EIR, during construction, operation, and decommissioning, hazardous materials such as vehicle fuels, oil, hydraulic fluid, and other vehicle maintenance fluids would be used and stored in construction staging areas. Gasoline, diesel fuel, oil, hydraulic fluid, lubricants, paints, solvents, adhesives, and cleaning chemicals used in construction activities, equipment, and vehicles could be released during construction as a result of accidents and/or leaking equipment or vehicles. Spills and leaks of hazardous materials during construction activities could result in soil or groundwater contamination.

A project-specific Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the proposed project. The SWPPP, as well as implementation of best management practices (BMPs) related to fueling and the handling, use, and storage of hazardous materials would mitigate accidental spills and leaks of hazardous materials. Mitigation Measure HAZ-1 requires a project-specific SWPPP be prepared and approved prior to the start of construction. In addition, any hazardous waste generated on site would be managed according to procedures specified in the Plan that address California requirements for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities.

An Emergency Response Plan applicable to the construction of the solar facility, generation-tie lines, and communication line would be in place in the event of an accidental spill. Such a plan, as required by Mitigation Measure HAZ-2, would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Any hazardous materials spill or threatened release, regardless of quantity, would be reported immediately to the appropriate agency per State and federal emergency response reporting guidelines.

In the event CdTe solar modules are used for the proposed project and become damaged or broken during installation, these modules could result in a very small release of cadmium or tellurium. HAZ-3 would ensure that if these type of modules are used and somehow damaged or broken during construction they would be recycled into new modules or other products. With implementation of the identified mitigation measures, impacts would be less than significant.

**Potential Impact:** The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with hazardous emissions or hazardous materials within a quarter mile of an existing school.

**Facts in Support of Findings:** As discussed on pages C.8-8 and C.8-9 of the Draft EIR, the Del Sur Elementary school is located about 1,000 feet east of the project site. While there would be a limited use of hazardous materials during construction, the proposed project



would not emit hazardous emissions. Some solar modules include CdTe or CdS (cadmium sulfide), which is encased in the modules. Although elemental cadmium is an acutely toxic substance, human exposure from CdTe photovoltaic modules would only occur if CdTe flakes or dust particles were generated. Dust particles would not be generated unless the modules were finely ground up or vaporized in a fire, neither of which are reasonable scenarios. Mitigation Measure HAZ-3 would ensure that modules damaged or broken during construction and throughout the project's life are discovered quickly, handled properly, and are disposed of properly or recycled. Impacts would be less than significant with implementation of the identified mitigation measure.

**Potential Impact:** Mobilization of existing contaminants could create a hazard to people or the environment.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with hazardous materials sites and other existing contaminants.

**Facts in Support of Findings:** There are no known hazardous waste sites on or within 0.25 miles of the project site and depth to groundwater is greater than 100 feet which would preclude encountering groundwater during construction. However, unanticipated soil contamination could exist at the project site due to former waste handling practices, illegal dumping, or the former agricultural activities. In addition, the presence of two USTs in 2004 that could not be confirmed in 2015 may have resulted in unknown soil contamination. A Phase II environmental site assessment completed in 2004 included the excavation of 11 borings and 16 backhoe trenches and laboratory testing of 27 soil samples for total chlorinated pesticides. Nine of the 27 samples contained low concentrations of DDE No other chlorinated pesticides were identified. These low levels of DDE and DDT are well below the action levels for proposed residential developments. Consequently, residual trace amounts of pesticides in soil at the project site will not impact construction or operation. The project's potential direct and indirect adverse impacts related to encountering unanticipated contaminated soil or encountering USTs would be reduced to a less than significant level through the implementation of Mitigation Measure HAZ-4.

**Potential Impact:** The proposed project would create a substantial hazard to people or the environment by mobilizing existing contamination or generating disease vectors.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with mobilizing existing contamination or generating disease vectors

**Facts in Support of Findings:** As discussed on page C.8-10 of the Draft EIR, there are no known hazardous waste sites with existing contamination at the project site and no mitigation is required. Section C.4 (Air Quality and Greenhouse Gases) evaluated the potential for exposure to valley fever. The analysis concluded that there is a potential risk of exposure to valley fever during construction. The requirement for a dust control plan, MM AQ-1, would reduce this potential impact to a less than significant level.

**Potential Impact:** The proposed project would not generate cumulatively considerable impacts with respect to hazards and hazardous materials.

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

**Facts in Support of Findings:** As discussed on page C.-10, Twenty-three approved, operational, or pending solar projects would have a cumulative impact with the proposed project if contaminated soil required disposal at the same time and hazardous waste facilities could not accommodate the simultaneous waste stream. However, due to the low potential for contaminated soil at the project site and the gen-tie routes there is no cumulatively considerable impact related to disposal of contaminated soil. However, during project decommissioning disposal/recycling of many thousands of solar modules will require that each project coordinate and schedule with the disposal or recycling facilities to accommodate the waste stream from one or more solar facilities. Therefore, impacts would be less than significant.

## ***H. HYDROLOGY AND WATER QUALITY***

The thresholds of significance for hydrology and water quality are listed in Section C.9, Hydrology and Water Quality, on page C.9-12 of the FEIR.

**Potential Impact:** The proposed project would substantially deplete local groundwater supplies or interfere with groundwater recharge.

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

**Facts in Support of Findings:** As discussed on pages C.9-12 and C.9-13, construction of the proposed project would occur over an approximately 12 month period and would require approximately 196 af of water for soil conditioning and dust suppression. During operation, water use would be mainly limited to PV module washing; operational water demand would be approximately 4.8 af. Potential sources of water for construction and operation of the proposed project include the use of water from a private well and/or reclaimed water. The applicant has entered into a water supply agreement with the owners of an adjacent property. The applicant will be allowed to utilize water from a well on the adjacent property without limit during construction of the project, subject to applicable laws, rules and regulations. The applicant will also be allowed to use up to 15 afy from the nearby well during operation of the project. The owners of the nearby property are a party to the current water rights adjudication case for the Antelope Valley Groundwater Basin, and have historically used approximately 500 to 700 afy on their property.

The vast majority of water demand for the proposed project would be short-term and limited to the construction period. The extraction of 196 af of groundwater during construction would be a temporary use and is not expected to lower levels or otherwise impair the use of neighboring water supply wells. Additionally, the 196 af that would be used during construction is well below the long-term historic water use from the proposed water supply well as described above. Groundwater extraction during operations would not exceed approximately 4.8 afy, and would not be expected to lead to substantial localized groundwater level depressions or impairments of nearby water supply wells. Therefore, construction and operational water use for the proposed project would be a less than significant impact and no mitigation is necessary.

**Potential Impact:** The proposed project would substantially alter the existing drainage pattern of the project site in a manner that results in flooding on- or off-site.

**Finding:** The City hereby makes Finding 1 with respect to potential impacts associated with drainage impacts and flooding.

**Facts in Support of Findings:** As discussed on page C.9-13 of the Draft EIR, the majority of the project site occupies relatively flat terrain and it is not anticipated that the grading activities for the proposed project would result in substantial changes to drainage patterns, creating flooding on- or off-site. Several ephemeral drainages are located on site and along the proposed gen-tie routes. Impacts to these drainages will be minimized to the extent feasible, but minor alterations to these ephemeral drainages may occur. These potential minor drainage alterations are not expected to result in increased flooding on- or off-site. For activities involving alteration of a jurisdictional drainage or construction within a floodplain (road crossings, gen-tie installation, or PV panel installation), compliance with NPDES General Construction Storm Water Permit requirements would ensure that potential impacts remain less than significant.

**Potential Impact:** Construction activity and excavation could degrade water quality due to erosion and sedimentation.

**Finding:** The City hereby makes Finding 1 with respect to the alteration of the existing drainage pattern associated with project construction and operation resulting in substantial erosion or siltation.

**Facts in Support of Findings:** As discussed on pages C.9-13 and C.9-15, site preparation, including grading and excavation for PV panel installation, grading of access roads, and trenching for gen-tie installation, could potentially degrade water quality through erosion and sedimentation. However, the project site is generally flat and arid, and contains no perennial waterbodies. The potential for water quality degradation due to erosion and sedimentation from project related construction activity is negligible. Compliance with existing regulations, would minimize this potential impact and impacts would be less than significant.

**Potential Impact:** Creation of new impervious areas could cause increased runoff resulting in flooding or increased erosion downstream.

**Finding:** The City hereby makes Finding 1 with respect to the creation of new impervious areas resulting in flooding or erosion.

**Facts in Support of Findings:** As discussed on page C.9-14 of the Draft EIR, construction of the proposed project would result in minimal new impervious areas. The foundations for the PV module mounting system are anticipated to consist of piles driven into the soil using vibratory or pneumatic pile driving techniques. This type of foundation design would result in a very minimal increase in impervious surface. In addition, all but the most substantial of precipitation events in the area quickly infiltrate into the permeable soils that surround the project area or are quickly lost to evapotranspiration. The rate or amount of runoff that would result from a large precipitation event in the area would not be altered by the very minor addition of project-related impervious surface. This impact would be less than significant and no mitigation is necessary.

**Potential Impact:** Project features located in a floodplain or watercourse could result in flooding, flood diversions, or erosion.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with flooding, flood diversions, or erosion.

**Facts in Support of Findings:** As discussed on page C.9-14 of the Draft EIR, the southwestern portion of the project site is located in a FEMA-designated 100-year floodplain (Zone A Approximate) associated with an ephemeral drainage that enters the project site at the southwest corner. The PV panels that would be installed for the proposed project would be supported on direct-driven piles and would not substantially impede or divert flood flows. Any crossings or alterations of washes, creeks, and drainages that are potentially waters of the state and regulated by the CDFW shall be permitted through the submittal of a Lake and Streambed Alteration Agreement Notification. The crossings would be designed and engineered so as to not result in flooding or diversion of floodwaters. Erosion that would be caused by construction of these stream crossings would be controlled through implementation of a SWPPP. This impact would be less than significant.

**Potential Impact:** Construction or operation of the proposed project could result in accidental releases of contaminants that could degrade water quality.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to substantially degrade water quality.

**Facts in Support of Findings:** As discussed on pages C.9-14 and C.9-15, the accidental release of hazardous materials during construction, operation and/or maintenance of the proposed project could potentially result in water quality degradation within the Antelope Valley Watershed or the Antelope Valley Groundwater Basin. Direct contact with potentially hazardous materials could result from a spill or leak that occurs directly above or within the bed and banks of a flowing stream or waterbody. The lack of perennial streams in the project area minimizes the potential for direct contact with hazardous materials. An accidental release of a potentially harmful or hazardous material into a dry stream bed or wash would not directly impact water quality. Similarly, an accidental spill or release of hazardous materials outside of a stream channel would not directly impact water quality. However, accidental spills or releases of hazardous materials could indirectly impact water quality through runoff during a subsequent storm event, when the spilled material could come in contact with or be washed into flowing water. Mitigation Measure WQ-1 would be required to ensure that the project's SWPPP includes BMPs to prevent and respond to accidental spills of hazardous or potentially hazardous materials. With implementation of the recommended mitigation, potential water quality impacts associated with an accidental spill/release of hazardous materials 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 pages C.9-15 and C.9-16 of the Draft EIR, the related projects would affect water resources in the cumulative study area. Earth movement and grading would lead to increased erosion and sedimentation. Many of the cumulative projects would involve the storage or use of hazardous materials, which could contaminate surface water and groundwater. Some of the cumulative projects could place structures in floodplains or require alteration of the floodplain. Construction and operation of the proposed project would result in less than significant impacts to hydrology and water quality due to water supply demand and groundwater use, the placement of structures in watercourses or flood hazard areas, increased erosion and sedimentation from ground

disturbance, and the accidental spill or release of hazardous materials. Construction and operation of the proposed project would result in adverse impacts to water resources that would combine with the adverse impacts from construction and operation of other projects in the cumulative analysis study area to result in a significant cumulative adverse impact to water resources.

However, the incremental contribution of the proposed project to this significant cumulative adverse impact would be less than cumulatively considerable. Construction and operation of the proposed project would result in minor adverse impacts related to increased erosion and sedimentation and the accidental spill or release of hazardous materials. Ground disturbance associated with the proposed project is expected to result in little risk to water quality. The dry nature of most of the surface streams near the proposed project is such that should hazardous material spills occur during construction, these could easily be cleaned up.

For groundwater use, construction of the proposed project would combine with the impacts from construction and operation of other projects in the cumulative analysis study area to result in a cumulative impact to water resources. The cumulative impact of groundwater extraction in this basin for construction and operation of all of the cumulative solar projects would be considerable. However, the incremental contribution of the proposed project to this significant cumulative adverse impact would be less than cumulatively considerable. The largest amount of water use for the project would be during construction, which would be short-term and temporary. In addition, the applicant has entered into a water supply agreement with a nearby property owner. The amount of water that would be supplied to the applicant by the nearby water supply well would be substantially less than the long-term historic water use on that well. The short-term construction water use for the project is not anticipated to lead to a disruption or impairment in the use of nearby water supply wells, and any depressions in groundwater levels would be localized and temporary.

#### ***I. LAND USE, POPULATION, AND RECREATION***

The thresholds of significance for land use, population, and recreation are listed in Section C.10, Land Use, Population, and Recreation, on page C.10-5 of the FEIR.

**Potential Impact:** The proposed project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to conflict with any applicable land use plan, policy or regulation.

**Facts in Support of Findings:** As discussed on pages C.10-5 through C.10-9, the proposed project requires a GPA and ZC on 80 acres of the 725 acres proposed for the solar generating facility. Current zoning on these 80 acres does not allow for utility solar development. The remaining 645 acres of the proposed site is under a Development Agreement that allows for solar development with an approved CUP.

The applications for the CUPs, GPA, and ZC are the discretionary actions that require the need for an EIR. The mitigation measures proposed within this EIR would ensure the proposed project's compliance with the City's ordinances and regulations. Compliance with the mitigation measures included in this EIR would ensure conflicts with the City's

applicable plans and policies are avoided. Therefore, this impact is less than significant with implementation of the mitigation measures recommended within this EIR (Class II).

**Potential Impact:** The proposed project would preclude an existing or permitted land use, or create a disturbance that would diminish the function of a particular land use.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's impacts associated with an existing or permitted land use, or create a disturbance that would diminish the function of a particular land use.

**Facts in Support of Findings:** As discussed on pages C.10-9 and C.10-10, the project site consists of mostly disturbed vacant land that was previously used for agricultural production. The current land designations allow for residential, commercial, open space and public uses on the 725-acre project site. As noted earlier, the majority of the project site (645 acres of the 725-acre site) is covered by a Development Agreement. With an approved CUP, the proposed project would be consistent with the Development Agreement and would be a permitted land use.

Approximately 80 acres (or 11% of the 725 acres) of the project site are not covered by the Development Agreement, and current land use and zoning on this area of the project site does not permit utility-scale solar facilities. To address this situation, the applicant has submitted an application for a GPA to change the general plan designation to NU and a ZC to change the zoning to RR-2.5 to be consistent with the surrounding land uses and allow for the solar facility with a CUP. Although the proposed project has the potential to preclude permitted land uses on the 80 acres not under the Development Agreement, the GPA and ZC would bring the proposed project into compliance with existing City plans and zoning. The proposed project would not preclude the development of permitted land uses on a majority of the project site, is compatible with existing and proposed development, and includes GPA and ZC to bring a portion of the property into compliance with City plans and zoning. Therefore, this impact would be less than significant.

The applicant has estimated that maintenance staff would visit the site approximately two times per year to clean the PV modules and would be on site seasonally to clear vegetation. Maintenance of the PV modules and the DC systems would typically be performed at night, but most activities would occur during daytime hours. Due to the limited maintenance activities that would occur onsite, there would not be significant disruptions to the surrounding land uses. Therefore, there would be no impact during the operation period.

**Potential Impact:** The proposed project would substantially contribute to the loss or degradation of the factors that contribute to the value of federal, state, or local recreational facilities or programs.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to recreational facilities or programs.

**Facts in Support of Findings:** As discussed on pages C.10-10 and C-10.11, there are no recreational facilities or programs located within the project site. As the project site is vacant land without fencing, it is possible that unauthorized off-road vehicle use occurs within the project site. However, as these types of activities are not a part of a federal, State or local recreational program, there would be no direct impacts to recreational resources.

The construction, maintenance, and decommissioning activities associated with the proposed project could result in indirect disruptions to the surrounding recreation activities at the Del Sur Elementary School, such as increased traffic and noise, or decreased air quality from fugitive dust or emissions from construction equipment. These disturbances would occur temporarily, and would likely not be concentrated in one location for an extended period of time. Therefore, indirect impacts to surrounding land uses would be less than significant.

**Potential Impact:** The proposed project would induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with substantial population growth.

**Facts in Support of Findings:** Construction activities are expected to be completed in approximately 12 months. The onsite workforce would consist of laborers, various skilled trades, supervisory personnel, support personnel, and construction management personnel. The proposed project would generate an estimated 250 new jobs during the construction phase and would provide approximately one full-time position (offsite) during operation and maintenance activities. It is anticipated that the workforce would be from the local community within the Antelope Valley, to the extent practicable. Therefore, it is unlikely that construction of the proposed project would permanently increase the population levels in the Antelope Valley. This impact would be less than significant.

**Potential Impact:** The proposed project would not generate significant cumulative impacts with respect to land use, recreation, or population.

**Finding:** The City hereby makes Finding 1 with respect cumulative impacts associated land use, recreation, or population.

**Facts in Support of Findings:** As discussed on pages C.10-12 through C.10-14, if construction of the related solar projects were to occur at the same time as the proposed project, off-site cumulative land use, recreation, and population impacts would occur. The approval of the proposed solar projects in the area surrounding the project site would result in a change in the community due to the conversion of vacant land to a fenced utility-scale energy-generating facility. When combined with the other proposed solar projects, the proposed project would contribute to this change. However, each of these projects would undergo the appropriate planning and environmental review processes for permitting, which would bring the projects into compliance with existing land use plans and zoning. In doing so, the solar facilities would be constructed and operated consistent with existing land use plans and regulations. There are few recreational resources located near the project site that could be impacted by the proposed project. Therefore, the project's contribution to cumulative land use and recreation impacts would be less than significant.

The proposed project would require approximately 250 workers. If construction of the proposed project and the surrounding six proposed solar projects occurred at the same time as the proposed project, this may result in the need for construction workers to come from outside of the Antelope Valley. So it is possible that a small percentage of workers would commute from areas beyond the Antelope Valley, such as from the Los Angeles Basin, Inland Empire, or the High Desert in San Bernardino County. Considering the short time period of construction (one year) and the high population density surrounding the Antelope

Valley, particularly in Los Angeles, it is unlikely that workers would relocate to the Antelope Valley. Therefore, the proposed project would not contribute to a significant change in the long-term population growth. This impact would be less than significant.

#### **J. NOISE**

The thresholds of significance for noise impacts are listed in Section 3.1a, Noise, on page C.11-7.

**Potential Impact:** Construction noise would substantially disturb sensitive receptors and violate local rules, standards, and/or ordinances, such as the City of Lancaster General Plan and Municipal Code.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's noise impacts during construction and operation.

**Facts in Support of Findings:** As discussed on pages C.11-8 through C.11-11, construction activities associated with earthmoving, installation of solar facilities, as well as deliveries of materials and equipment and workers commuting to the project site all have the potential to temporarily increase noise levels in the project area. The primary source of noise during construction would result from driving foundation support posts. Simultaneous heavy equipment use at the project site during construction would generate a combined maximum noise level during facility installation activities, of up to approximately 84 dBA Leq at 225 feet. Compliance with the City's noise standards and implementation of Mitigation Measures N-1 through N-11 would reduce construction noise impacts, and provide a mechanism to respond to and minimize noise complaints such that impacts would be reduced to less than significant.

During construction, the daily number of truck trips would vary widely, depending on the construction phase. The main access road to the project site would be West Avenue G off of Highway 14. Assuming at the peak of construction all 250 workers were to commute to the project site, as well as a greater than average number of delivery haul truck trips the increase in traffic noise west of 90th Street West would be approximately 8 dBA CNEL. This increase in noise levels would be noticeable to residences along West Avenue G. However, on other portions of West Avenue G further east of the project site, the increase in traffic noise would be less as the existing traffic volumes are much greater. This level of increase would not be noticeable to residences located along West Avenue G. Compliance with the City's noise standards and implementation of Mitigation Measures N-1 through N-11 would reduce construction traffic noise impacts, and provide a mechanism to respond to and minimize noise complaints such that impacts would be reduced to less than significant.

Impacts related to decommissioning would be similar to construction; however, the intensity would be less as site preparation activities would not be required nor would pile driving activities occur. The same mitigation measures, as presented below (N-1 through N-11), would apply to decommissioning. Impacts would be reduced to a less than significant level.

**Potential Impact:** Construction activity would temporarily cause excessive groundborne vibration or groundborne noise.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's impacts from groundborne vibration or noise levels.



**Facts in Support of Findings:** As discussed on page C.11-11, Construction of the proposed project and gen-tie lines would not require blasting; however, impact-pile driving would be utilized for installation of the PV module foundation support posts, and could cause vibration impacts at close distances. While these construction activities would result in some minor amounts of groundborne vibration, such groundborne noise or vibration would attenuate rapidly from the source and would not be perceptible outside of the construction areas. Impacts would be less than significant.

**Potential Impact:** Permanent noise levels in the project vicinity would substantially increase (greater than 5 dBA CNEL) due to operation of project-related stationary noise sources above levels existing without the project.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to permanently increase ambient noise levels in the vicinity of the project site.

**Facts in Support of Findings:** As discussed on pages C.11-11 and C.11-12, the proposed project would be managed, monitored, and controlled remotely. However, the project site would be visited regularly for security, maintenance, and system monitoring. Maintenance would occur during daylight hours, when possible; however, nighttime maintenance would typically occur on the PV modules and DC systems. Maintenance activities at the project site would consist of equipment inspection and repair/replacement, vegetation trimming, as well as periodic PV module washing. Tracker modules make noise on a periodic basis throughout a solar facility as they readjust to align with the sun. The noise associated with these adjustments results in a low electric hum which lasts less than a minute. These noise levels are substantially less than the noise associated with the inverters and transformers and would have little to no effect on the ambient noise of the area over any notable duration of time. As such, less than significant noise impacts would occur related to the tracker modules during operations.

**Potential Impact:** Routine inspection and maintenance activities would substantially increase ambient noise levels (greater than 5 dBA CNEL) in the project vicinity above levels existing without the project.

**Finding:** The City hereby makes Finding 1 with respect to a substantial increase in ambient noise levels associated with the proposed project.

**Facts in Support of Findings:** As discussed on page C.11-12 of the Draft EIR, periodic maintenance would result in temporary increases in noise levels, generally associated with use of trucks for accessing the site and PV module washing. Panel washing activities would occur only during daylight hours and would be of short duration in any one area; however, this level of noise represents a potential adverse temporary increase in noise levels above the ambient conditions measured at the nearest residences. To reduce the noise impacts related to washing the PV panels to a less than significant level, Mitigation Measure N-12 is required. With implementation of the identified mitigation measure, 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:** As discussed on page C.11-13 of the Draft EIR, The geographic extent for the analysis of cumulative impacts related to noise is generally limited

to areas within approximately one mile of the proposed project. If construction of the related projects were to occur at the same time as the proposed project cumulative noise impacts would occur. However, similar to the proposed project, development of solar projects generally occurs in phases over large sites, where the probability of noisy construction activities occurring at the same time and in close proximity to one another in such a way as to result in a cumulative noise impact is fairly low. Furthermore, the proposed project's temporary construction noise impacts would be reduced to less than significant with implementation of Mitigation Measures N-1 through N-11, as would those of the other cumulative projects, such that cumulative impacts would be less than significant.

Temporary vibration impacts would be limited during the construction period. As the geographic extent of potentially significant ground vibrations seldom extends beyond the immediate vicinity of the vibration source, the proposed project's contribution would not be cumulatively considerable. The proposed project would not result in substantial permanent increase in ambient noise levels; therefore, the project's contribution would not be cumulatively considerable.

#### ***K. PUBLIC SERVICES, UTILITIES, SERVICE SYSTEMS, AND RECREATION***

The thresholds of significance for public services, utilities, and service systems impacts are listed in Section C.12, Public Services, Utilities, and Service Systems, on pages C.12-5 and C.12-6.

**Potential Impact:** The proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential impacts on public services and governmental facilities during construction and operation.

**Facts in Support of Findings:** As discussed on pages C.12-6 through C.12-8, fire protection and police protection services are sufficient to accommodate any response necessary due to the construction and operation of the proposed solar facility. Therefore, impacts to fire and police protection would be less than significant.

Worker commute traffic and construction and operational activities at the project site could increase the potential for accidents, or other medical emergencies. Construction traffic, including deliveries of large equipment, may temporarily block or slow traffic along West Avenue G. In order to minimize adverse impacts, Mitigation Measure PSU-1. With the implementation of MM PSU-1, impacts to emergency response vehicles would be less than significant.

The number of workers expected to relocate to the surrounding area is not expected to be substantial. Construction workers who relocate to these areas may enroll their children in local schools. However, because it is expected that most construction workers would not relocate, the addition of children of relocated workers would be minimal and would not affect the capacity of the schools they might attend. Likewise, this temporary workforce

would not increase population in a manner that would result in additional demand for park facilities. Impacts would be less than significant.

**Potential Impact:** The proposed project would exceed wastewater treatment requirements of the applicable regional water quality control board.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to exceed wastewater treatment requirements.

**Facts in Support of Findings:** As discussed on page C.12-8 of the Draft EIR, wastewater generated during construction would be limited to that generated by construction personnel and would be accommodated by temporary portable toilets brought to staging areas for construction crews. These portable toilets would be maintained by a licensed sanitation contractor. The licensed contractor would dispose of the waste at an off-site location and in compliance with standards established by the RWQCB. When in operation, the proposed project would be unstaffed and remotely operated and would not require dedicated, full-time personnel. Routine maintenance would require workers to visit the proposed project throughout the year, and workers would bring portable restroom facilities during maintenance activities. These toilets would be maintained as described above. Therefore, minimal wastewater would be generated, and operating the project would not result in discharge of concentrated wastewater or large volumes of wastewater to a wastewater treatment facility that would exceed treatment requirements set forth by the RWQCB. Impacts from the proposed project would be less than significant.

**Potential Impact:** The proposed project would require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with the construction of new water or wastewater treatment facilities or the expansion of existing facilities.

**Facts in Support of Findings:** As discussed on page C.12-8 of the Draft EIR, approximately 196 acre-feet (af) of water would be required during construction, with actual consumption strongly dependent upon climatic conditions. Construction water needs would be limited to soil conditioning and dust suppression. Potable water would be brought to the project site for drinking and domestic needs. During the operational phase, the proposed project would require minimal water use. The annual water consumption for operations of the facility, including periodic PV module washing, is expected to be 4.8 af and would be supplied from nearby existing wells. The project would not generate a substantial amount of wastewater. Therefore, the proposed project would not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects. Impacts from the proposed project would be less than significant.

**Potential Impact:** The proposed project would require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect.

**Finding:** The City hereby makes Finding 1 with respect to construction of new or expanded stormwater drainage facilities.

**Facts in Support of Findings:** As discussed on pages C.12-8 and C.12-9 of the Draft EIR, the project site has relatively flat topography. In compliance with Section 402 of the Clean Water Act, the project would be subject to the BMPs specified in the SWPPP that include boundary protection (measures to prevent or control surface runoff leaving the area), dewatering requirements, and concrete waste management. Activities associated with O&M would be conducted within new access roads created during construction, existing roads, and existing disturbed areas. On-site drainage patterns established for the construction of the proposed project would generally remain unchanged with long-term O&M. The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect. Impacts would be less than significant.

**Potential Impact:** The proposed project would have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

**Finding:** The City hereby makes Finding 1 with respect to new or expanded entitlements for water supply.

**Facts in Support of Findings:** As discussed on page C.12-9 of the Draft EIR, approximately 196 af of water would be required during construction, with actual consumption strongly dependent upon climatic conditions. Construction water needs would be limited to soil conditioning and dust suppression. Potable water would be brought to the project site for drinking and domestic needs. The annual water consumption for operations of the proposed project, including periodic PV module washing, is expected to be 4.8 afy. The applicant has entered into a water supply agreement with the owners of a nearby property. Therefore, adequate water supplies are available for the project and impacts would be less than significant.

**Potential Impact:** The proposed project would result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's potential to exceed the capacity of the existing wastewater treatment facilities.

**Facts in Support of Findings:** As discussed on page C.12-9 of the Draft EIR, the proposed project would not tie into the sanitary sewer system, and therefore would not affect any wastewater treatment provider's capacity. Waste from portable toilets used during construction, operation, and decommissioning would be handled by a licensed sanitation contractor. The licensed contractor would dispose of the waste at an off-site location and in compliance with all applicable regulations and standards. Impacts would be less than significant.

**Potential Impact:** The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs.

**Finding:** The City hereby makes Finding 1 with respect to impacts on the permitted capacity of the landfill.

**Facts in Support of Findings:** As discussed on pages C.12-9 and C.12-10 of the Draft EIR, construction of the proposed project would result in the temporary generation of various

waste materials, including wood, metal, and vegetation. Sanitation waste (i.e., human-generated waste) would be disposed of in accordance with sanitation waste management practices. Although waste from construction activities would be sent to one or more landfills in the area, the amount is not anticipated to be enough to affect the permitted capacity of a landfill. The Lancaster Landfill would be the closest disposal facility to the site and currently, the remaining capacity of the Lancaster Landfill is approximately 52 percent. O&M activities would consist of routine maintenance and emergency work at the project site. These activities would not generate solid waste in an amount that would affect the permitted capacity of landfills in the area. Impacts would be less than significant.

**Potential Impact:** The project would comply with federal, State, and local statutes and regulations related to solid waste.

**Finding:** The City hereby makes Finding 1 with respect to the proposed project's consistency with applicable solid waste regulations.

**Facts in Support of Findings:** As discussed on page C.12-10 of the Draft EIR, soil from drilling or excavation would be screened and separated for use as backfill during construction to the maximum extent possible. Other waste such as packing crates, spare bolts, and other construction debris would be hauled off site for recycling when possible. O&M activities associated with the proposed project would not generate a significant amount of solid waste and would not affect the permitted capacity of landfills in the area. The proposed project would comply with federal, State, and local statutes and regulations related to solid waste and impacts would be less than significant.

**Potential Impact:** The proposed project could generate cumulative impacts with respect to public services and utilizes.

**Finding:** The City hereby makes Finding 1 with respect to cumulative impacts from the proposed project with respect to public services and utilities.

**Facts in Support of Findings:** As discussed on pages C.12-10 and C.12-11 of the Draft EIR, the proposed project is not expected to have a significant impact on fire-fighting services, police protection services, schools, or parks. With regard to cumulative impacts, other planned projects collectively could stimulate population growth and contribute to development of this region. In particular, population growth in this region would require additional emergency and medical services, would increase enrollment in local schools, and would increase recreational activities in local and regional parks. Other planned projects are expected to have a similar amount of construction and operation personnel. Therefore, the proposed project would not combine with impacts from other related projects to result in a cumulative impact to public services.

The proposed project would not generate a substantial amount of stormwater runoff and would not drain into an existing stormwater drainage system as no stormwater systems exist in the vicinity of the project site. The proposed project would not generate substantial volumes of wastewater during operation. The other planned projects may generate stormwater runoff and wastewater but would be expected to comply with their respective SWPPP, NPDES permit conditions and to install systems to manage stormwater runoff so that impacts would be less than significant. Therefore, the proposed project would not have the potential to combine with impacts from other related projects to result in a cumulative impact to stormwater runoff or wastewater.

The applicant has entered into a water supply agreement with the owners of a nearby property. Therefore, the project would not have the potential to combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact to water supplies.

The proposed project would generate a minimal amount of waste and is not expected to significantly impact local landfills. Other planned projects are expected to comply with waste reduction policies as well. Therefore, the proposed project would not be expected to combine with impacts from other related projects to result in a cumulative impact to landfills. In conclusion, the proposed project would be self-contained and would not have a significant impact on public services and utilities. Therefore, the proposed project would not contribute to cumulative impacts on public services, utilities, and service systems.

#### ***L. TRANSPORTATION AND TRAFFIC***

The thresholds of significance for transportation and traffic impacts are listed in Section C.13, Transportation and Traffic, on pages C.13-5 and C.13-6 of the FEIR.

**Potential Impact:** Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system on various modes of transportation.

**Facts in Support of Findings:** As discussed on pages C.13-6 and C.13-7, construction would generate a maximum of 614 total daily trips, of which 114 would be daily truck haul trips and 500 of which would be passenger vehicle worker commute trips. When these trips are added to the average daily traffic (ADT) volumes of SR-14 at West Avenue G, maximum daily construction traffic would only result in a 1.7% increase to the existing ADT. Furthermore, the addition of 114 truck trips (passenger car equivalent [PCE]) would only temporarily increase ADT truck volumes on SR-14 at West Avenue G by 0.1%. Based on these minor increases to ADT volumes, temporary construction-related trips are not considered to significantly decrease capacity levels over existing conditions on SR-14.

While maximum daily construction trips associated with the proposed project would not cause a substantial increase in traffic in relation to the existing traffic load and capacity of the street system, Mitigation Measure TRA-1 is proposed to minimize trips during the morning and afternoon peak periods. With the implementation of this measure, proposed project construction traffic would result in less than significant impacts.

Operation and maintenance of the proposed project would generate a maximum of 14 daily trips. These trips would only occur twice per year, for 25 days each, during panel washing events. The addition of 14 daily trips would not increase LOS over existing conditions of West Avenue G. Maximum operational traffic volumes would result in less than significant impacts with respect to causing a substantial increase in traffic in relation to the existing traffic load and capacity of the street system.

**Potential Impact:** The proposed project would conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

**Finding:** The City hereby makes Finding 1 with respect congestion management plan impacts.

**Facts in Support of Findings:** As discussed on page C.13-8, SR-14 is identified in the 2010 Congestion Management Plan (CMP) and is identified as operating at LOS D or better during both the a.m. and p.m. peak periods. The addition of maximum daily construction-related trips would not decrease the LOS over existing conditions on SR-14 (LOS D or better). A less than significant impact would occur. The proposed project would only generate a maximum of 14 daily trips during operation. Therefore, the maximum operational-related daily trips are not considered to significantly decrease the LOS over existing conditions on SR-14. Less than significant impacts would occur and no mitigation measures are required.

**Potential Impact:** The proposed project would not result in a change in air traffic patterns, including either an increase in traffic levels or change in location that results in substantial safety risks.

**Finding:** The City hereby makes Finding 1 with respect to air traffic pattern impacts.

**Facts in Support of Findings:** As discussed on page C.13-8, based on the California Military Land Use Compatibility Analysis (CMLUCA) database, the project site is not located within special-use military airspace or an area designated for low-level military flight paths and no action is required. The runway at William J. Fox Airfield is located approximately 3.1 miles east of the nearest portion of the project site. Air traffic approaching this runway from the south and west would have solar panels facing them and directed upward. However, PV modules and arrays typically do not create significant glare. While some localized glare could occur, glare is not expected to significantly affect airspace safety, particularly because the project area contains a number of existing and operational solar installations similar in size and technology as the proposed project. Potential glare impacts related to air traffic patterns and airspace safety is considered less than significant.

**Potential Impact:** The proposed project would not substantially increase roadway hazards due to a design feature or incompatible uses.

**Finding:** The City hereby makes Finding 1 with respect to impacts associated with hazards due to a design feature or incompatible use.

**Facts in Support of Findings:** As discussed on pages C.13-8 and C.13-9, the proposed project does not include any public roadway or access improvements. Therefore, the proposed project would not increase hazards due to design features or incompatible uses. Less than significant impacts would occur.

**Potential Impact:** The proposed project would not result in inadequate emergency access.

**Finding:** The City hereby makes Finding 1 with respect to emergency access to the project site.

**Facts in Support of Findings:** As discussed on page C.13-9 of the Draft EIR, West Avenue G is not designated as an emergency evacuation route. Furthermore, construction of the solar installation and on-site infrastructure would not require any roadway or lane closures/disruptions either during construction or operation that could restrict or impede emergency access. No impact would occur. Although no impacts are expected, Section C.12 includes MM PSU-1 that requires coordination with emergency response providers during construction, major repairs, or decommissioning.

Depending on the route selected, construction of the gen-tie infrastructure may require temporary roadway or lane closures/disruptions that could restrict or impede emergency access. In the event the Western or Eastern Route is selected for gen-tie connection, Mitigation Measure TRA-2 would reduce potential circulation impacts to a less than significant level.

**Potential Impact:** The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

**Finding:** The City hereby makes Finding 1 with respect to impacts to alternative transportation.

**Facts in Support of Findings:** As discussed on page C.13-9, West Avenue G is not designated as containing any existing or planned transit routes. The City of Lancaster Master Plan of Trails and Bikeways has designated West Avenue G from SR-14 to the project site as a “proposed Class II Bike Lane”. The proposed project would not introduce any uses or features that could conflict with the construction and operation of these proposed bike lanes. Also, the proposed bike lanes are not expected to be in place prior to completion of project construction. Therefore, construction traffic is not expected to occur during or after construction/designation of the proposed Class II bike lanes on West Avenue G. Once operational, the project would only generate nominal traffic that is not expected to conflict with these proposed bike lanes. Therefore, no impacts would occur.

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

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

**Facts in Support of Findings:** As discussed on page C.13-10 of the Draft EIR, project operations would result in negligible daily trips to study area roadways. Therefore, the cumulative impact analysis focuses on traffic volumes generated during construction of the proposed project in combination with those by cumulative projects identified in Table C.1-1 on study area roadway segments.

Identified cumulative projects that have not already been constructed are smaller in scale than the proposed project; with only four being 100 megawatts or larger. Like the proposed project, these cumulative projects would generate vehicle trips during construction. However, the potential for cumulative traffic impacts would only occur if multiple projects were being constructed simultaneously and utilizing the same roadways. Maximum daily construction traffic of the proposed project would only last periodically during the 12-month construction period and would not cause a direct substantial increase in traffic in relation to the existing traffic load and capacity of the street system. This impact would be reduced with the



implementation of MM TRA-1. While the construction of a number of cumulative projects could overlap with construction of the proposed project, the proposed project's cumulative contribution is considered less than significant with mitigation because it would be temporary.

## **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 project's 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 – Reduced Project Size, No GPA or Zone Change
- Alternative 2 – No Project, Build under Development Agreement and Existing Entitlements
- Alternative 3 – No Project, No Build

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

- Develop a utility-scale solar energy generating facility and accompanying infrastructure that qualifies as an eligible renewable energy resource;
- Contribute to the diversification of State and local energy portfolios;
- Support the reduction of greenhouse gas emissions in California by providing renewable energy resources;
- Create green jobs in California;
- Use disturbed land or land that has been previously degraded from prior use;
- Use existing electrical distribution facilities, right-of-ways (ROWs), roads, and other existing infrastructure where possible to minimize the need for new electrical support facilities;
- Minimize impacts to threatened or endangered species or their habitats, wetlands and waters of the United States, cultural resources, and sensitive land use;
- Minimize water use; and
- Reduce greenhouse gas emissions.

### **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, four alternatives were considered but rejected as infeasible: Alternative Sites, Distributed Solar PV, Energy Storage Technologies, and Conservation and Energy Demand Reduction.

### **Alternative Sites**

No alternative offsite locations have been identified at this time. There would be no significant impacts from development of the proposed project that could be mitigated by developing the proposed project at a different location, and therefore, an offsite alternative would not meet CEQA requirements for alternatives, as described in Section D.1.3. Further, although the applicant does have control over other properties in the Antelope Valley, each of these properties is being developed with solar facilities and therefore, the lands would not be available as an alternative location for the proposed project.

### **Distributed Solar PV Alternative**

There is no single accepted definition of “distributed” solar technology. The 2011 Integrated Energy Policy Report (IEPR) defines distributed generation resources as: “(1) fuels and technologies accepted as renewable for purposes of the Renewable Portfolio Standard (RPS); (2) sized up to 20 MW; and (3) located within the low-voltage distribution grid or supplying power directly to a consumer”. Distributed PV technology is considered below.

A distributed solar alternative would consist of PV panels that would be installed on residential, commercial, or industrial building rooftops, or in other disturbed areas such as parking lots or disturbed areas adjacent to existing structures, such as electrical substations. The City of Lancaster requires housing developers to install solar on every new home built. In addition, the school districts, Lancaster City Hall and other City facilities, and other buildings within the City utilize carport-mounted solar panels to offset the majority of the electrical consumption at these facilities. Because the City actively supports and encourages solar panels on homes, businesses, and other facilities, distributed power generation is already well developed in the area.

Governor Brown’s Clean Energy Jobs Plan also identifies the goal to install 20,000 MW of new renewable capacity by 2020, including 12,000 MW of local electricity generation from small generation sources such as distributed PV generation. In 2011, Governor Brown convened a conference with representatives of agencies, businesses, and organizations that would be involved in or affected by the 12,000 MW goal during which a series of expert-led panels identified the most critical barriers to achieving this goal and solutions to these barriers. Barriers included inadequate grid planning, integration and reliability concerns on existing power lines and equipment that were designed to transport energy in the opposite direction, financing and procurement, the interconnection process, and permitting.

Distributed solar PV is assumed to already be located on existing structures or disturbed areas so little to no new ground disturbance would be required and there would be few associated environmental impacts, including to cultural and biological resources. However, larger distributed solar projects (up to 20 MW) could have similar impacts to agriculture, dust, and other resources associated with grading. Until specific sites are identified, it is difficult to determine whether and to

what extent the environmental impacts of the proposed project would or would not occur with the Distributed Solar Photovoltaic Alternative.

Notwithstanding the State's efforts to promote distributed renewable energy generation, current research indicates that development of both distributed generation and utility-scale renewable energy will be needed to meet California's RPS and climate change goals, along with other energy resources and energy efficiency technologies. For a variety of reasons (e.g., upper limits on integrating distributed generation into the electric grid, cost, lack of electricity storage in most systems, and continued dependency of buildings on grid-supplied power), distributed energy generation alone cannot meet the goals for renewable energy development. Ultimately, both utility-scale and distributed generation renewable energy development will need to be deployed at increased levels, and the highest penetration of solar power overall will require a combination of both types. As a result, this technology is eliminated from detailed analysis as an alternative to the proposed project.

### **Energy Storage Technologies Alternative**

Energy storage devices store energy during periods of low demand and discharge this energy during periods of high demand. In October 2013, the California Public Utilities Commission (CPUC) established an energy storage target of 1,325 MW for Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric. As stated by the CPUC, the benefits of storage include optimizing the grid by reducing the peak load, contributing to reliability of the grid, or deferring transmission and distribution upgrade investments; aiding in the integration of renewable energy; and aiding to reduce the greenhouse gas emissions to 80 percent below 1990 levels by 2050 per California's goals.

There are many types of energy storage products ranging from multiple types of battery storage to compressed air or pumped-storage hydropower. Batteries provide an uninterrupted supply of electricity and can also increase power quality and reliability. Lead-acid batteries are currently the standard battery type used in energy storage applications, but many other types of batteries are near commercial readiness that would be better suited for renewable energy load and distribution requirements.

Compressed air energy storage uses pressurized air as an energy storage medium. An electric motor-driven compressor pressurizes the storage reservoir using energy during off-peak or low-use times and then the air is released from the reservoir through a turbine during on-peak or high-use hours to produce energy. Ideal locations for large compressed air energy storage reservoirs are empty aquifers, abandoned conventional hard rock mines, and abandoned hydraulically mined salt caverns. Pumped-storage includes storing energy by pumping water from a lower elevation reservoir to a higher elevation reservoir using pumps that run during off-peak times. During high electricity demand times, the stored water is released through turbines that produce electricity.

Compressed air energy storage and pumped storage would not be feasible on or near the project site, and the applicant does not own or have access to appropriate lands to develop these technologies. In addition, these technologies would be likely to have substantially greater environmental impacts than the proposed project.

Battery technology may be feasible on the project site, although interconnection to the grid would need detailed study to determine feasibility. Energy storage would not meet the project objective to meet the increasing demand for electricity generated from renewable technology, and to assist in the effort to meet the Senate Bill 14 RPS, although it could enhance the use of renewable

energy by minimizing the need for curtailment and allowing greater ability to match grid demand with renewable energy production.

### **Conservation and Energy Demand Reduction Alternative**

Conservation and demand reduction consist of a variety of approaches for the reduction of electricity use, including energy efficiency and conservation, building and appliance standards, and load management and fuel substitution. In 2005, the Energy Commission and CPUC's Energy Action Plan II declared cost effective energy efficiency as the resource of first choice for meeting California's energy needs. The Energy Commission noted that energy efficiency has helped flatten the State's per capita electricity use and saved consumers more than \$56 billion since 1978. The investor-owned utilities' 2006-2008 efficiency portfolio marks the single-largest energy efficiency campaign in US history, with a \$2 billion investment by California's energy ratepayers. However, with population growth, increasing demand for energy, and the need to reduce greenhouse gases, there is a greater need for energy efficiency. Additionally, the City of Lancaster General Plan includes goals and sustainability principles that highlight the efficient use of resources including energy consumption.

The CPUC, with support from the Governor's Office, the Energy Commission, and the California Air Resources Board, among others, adopted the California Long-Term Energy Efficiency Strategy Plan for 2009 to 2020 in September 2008 and updated it in 2011. The plan is a framework for all sectors in California including industry, agriculture, large and small businesses, and households. Major goals of the plan include:

- All new residential construction will be zero net energy by 2020;
- All new commercial construction will be zero net energy by 2030;
- Heating, ventilation, and air conditioning will be transformed to ensure that its energy performance is optimal for California's climate; and
- All eligible low-income customers will be given the opportunity to participate in the Low Income Energy Efficiency program by 2020.

This alternative is not technically feasible as a replacement for the proposed project, because California utilities are required to achieve aggressive energy efficiency goals laid out by the CPUC in 2004 (D.04-09-060), with the aim of exceeding the maximum achievable potential energy savings defined at that time. Additional energy efficiency beyond that occurring in the baseline condition may be technically possible, but it is speculative to assume such a level of energy efficiency is achievable. With population growth and increasing demand for energy, conservation and demand-management alone is not sufficient to address all of California's energy needs. Additionally, as stated in the California Energy Commission *2009 Integrated Energy Policy Report*, California's renewable energy goals are based on a percentage of retail sales of electricity, and reducing overall electricity demands means fewer retail sales and therefore less renewable energy that must be generated. Furthermore, it states that conservation and demand-side management means fewer renewable plants will need to be built. However, conservation and demand-side management would not itself provide the renewable energy required to meet the California renewable energy goals. Therefore, it would not meet project objectives pertaining to the renewable energy goals and renewable technologies, like solar PV generation.

### ***B. ALTERNATIVE 1: REDUCED PROJECT SITE, NO GPA OR ZONE CHANGE***

Alternative 1 would eliminate the two western parcels that are outside of the existing development agreement, and would eliminate the need for a ZC and GPA. The remaining 645-acre

site would be developed as a solar generating facility with all other elements the same as described for the proposed project. Under Alternative 1, the solar generating facility would be reduced to a 90 MW project.

Alternative 1 would have the same panel configuration as the proposed project, but would reduce the size of the site by approximately 11 percent by removing the two western parcels. The duration and activities associated with Alternative 1 construction are anticipated to be similar to the proposed project. Because there would be a small change in its electrical generating output, this alternative's operation and maintenance is expected to be practically the same as for the proposed project.

This alternative is technologically feasible, as it represents only a change to the proposed project's solar panel array configuration and a reduced footprint, and no change to its technology or interconnection to the transmission grid. Alternative 1 would meet the basic project objectives

- Develop a utility-scale solar energy generating facility and accompanying infrastructure that qualifies as an eligible renewable energy resource: *Meets objective (same as proposed project)*.
- Contribute to the diversification of State and local energy portfolios: *Meets objective (same as proposed project)*.
- Create green jobs in California: *Meets objective (same as proposed project)*.
- Meet the increasing demand for electricity generated from renewable technology, and to assist in the effort to meet the Senate Bill 14 RPS: *Meets objective (slightly reduced from the proposed project)*.
- Use disturbed land or land that has been previously degraded from prior use: *Meets objective (same as proposed project)*.
- Use existing electrical distribution facilities, ROWs, roads, and other existing infrastructure where possible to minimize the need for new electrical support facilities: *Meets objective (same as proposed project)*.
- Minimize impacts to threatened or endangered species or their habitats, wetlands and waters of the United States, cultural resources, and sensitive land use: *Meets objective (same as proposed project)*.
- Minimize water use: *Meets objective (slightly reduced from the proposed project)*.
- Reduce greenhouse gas emissions: *Meets objective (slightly reduced from the proposed project)*.

### ***Aesthetics***

Removal of the two western parcels under Alternative 1 would result in the proposed project being farther from viewers at KOP 1; and would slightly reduce the prominence of the project site. However, the western parcels under the proposed project are already set back from the public road, and would not substantially alter the existing landscape or view quality. The project site would continue to be slightly visible under Alternative 1, but would blend with the horizon line at KOP 1. Similarly, views of the solar panels from KOP 4 would be slightly reduced but not eliminated. Although visual impacts would be slightly reduced under Alternative 1, a reduced project size would not change the impact determinations from the proposed project.

### ***Agricultural Resources***

Under Alternative 1, the impacts to agricultural resources would be the same as those described in Section C.3, except the reduction in project size by approximately 11 percent would lessen the impact associated with the conversion of agriculturally productive soils; however, the decrease in

acreage associated with an 11 percent reduction of the proposed project would be minimal.. In addition, the potential disruptions to surrounding land uses would result in a marginal decrease as a result of a smaller project. Therefore, the impact determinations for Alternative 1 would remain the same as those for the proposed project.

### ***Air Quality***

Alternative 1 would slightly decrease the total air pollutant emissions during both construction and operation compared with the proposed project; however, the 11 percent reduction in the project size would not substantially alter the air quality impacts described in Section C.4 and the impact determinations would remain the same as the proposed project.

### ***Greenhouse Gas Emissions***

Alternative 1 would slightly decrease the GHG emissions during both construction and operation compared with the proposed project. However, Alternative 1 would slightly reduce the beneficial greenhouse gas emissions impact of the proposed project's renewable energy source because it would reduce the project from a 100-MW facility to a 90-MW facility. Impact determinations would remain the same as those for the proposed project.

### ***Biological Resources***

The 11 percent reduction in project size under Alternative 1 would result in a slightly reduced impact to biological resources. Alternative 1 would incrementally reduce habitat loss and the potential to directly and indirectly affect special-status species. The reduction in the number of solar panels would slightly reduce the collision risk for birds during operation. Overall, the reductions in impacts would be minor compared with the proposed project, and impact determinations would remain the same.

### ***Cultural and Paleontological Resources***

Under Alternative 1, the project site would be reduced by approximately 11 percent. This reduction in ground disturbance would incrementally reduce the potential to encounter unanticipated cultural or paleontological resources. However, the overall reduction in impacts would be minor, and impact determinations for Alternative 1 would be the same as the proposed project.

### ***Geology and Soils***

Construction of Alternative 1 would have similar geology and soils impacts as the proposed project, but the magnitude of the impacts would be slightly reduced due to the 11 percent reduction in the size of the project footprint. This reduction would not substantially alter any of the impacts and the impact determinations for Alternative 1 would be the same as the proposed project.

### ***Hazards and Hazardous Materials***

The 11 percent reduction in project size would slightly reduce the potential for hazardous materials spills during construction. The number of solar panels would be reduced as well, resulting in a slightly smaller impact related to the disposal or recycling of broken panels. However, the reduction in project size would not substantially alter any of the impacts and the impact determinations for Alternative 1 would be the same as the proposed project.

### ***Hydrology and Water Quality***

Impacts to hydrology and water quality would be slightly reduced under Alternative 1, as proportionally less water would be required for dust suppression, concrete mixing, sanitary uses, and other uses during construction, and fewer panels would require washing during operation. In addition, the smaller footprint would have a slightly reduced potential to alter existing drainage and result in flooding or water quality degradation from erosion, sedimentation, or accidental release of contaminants. However, the reduction in water use, and potential water quality and flooding impacts would be small, and impact determinations would remain the same as those for the proposed project.

### ***Land Use, Population and Recreation***

Under Alternative 1, the impacts to land use, population and recreational resources would be the same as those described in Section C.10, except the reduction in project size by approximately 11 percent would marginally reduce the potential for disruptions to surrounding land uses during the construction, operation and decommissioning period. In addition, a smaller project would likely require a slightly smaller workforce during construction, which would reduce the potential for population impacts. However, overall the reduced project size would not change the impact determinations as stated for the proposed project.

### ***Noise***

Under Alternative 1, noise impacts to residences located along 110th Street West would be slightly reduced as less on-site construction activities would be occurring on the western portion of the project site. Off-site construction traffic would be similar to the proposed project, although the number of truck trips delivering materials would be reduced which would in turn reduce either the duration of noise or the intensity of the noise along the travel routes. Operation and maintenance noise impacts would essentially be the same as the proposed project.

### ***Public Services, Utilities and Service Systems***

Impacts to public services, utilities, and service systems would be comparable to the proposed project under Alternative 1. The 11 percent reduction in project size would not appreciably change the impacts associated with the proposed project.

### ***Transportation and Traffic***

Under Alternative 1, off-site construction traffic would be similar to the proposed project, although the number of truck trips delivering materials would be slightly reduced. Operation and maintenance impacts would essentially be the same as the proposed project.

**Finding:** While the intent of this alternative is to reduce potential impacts by reducing the size of the proposed project, it does not result in a change in any impact determinations because the reduction in impacts would be minor. Other options were considered to reduce the size of the proposed project. Increased buffers would provide some relief from noise but other impacts such as biological resources, which has cumulative effects with other projects proposed in the area, would not be reduced unless substantial buffers were established. This alternative continues to be a feasible alternative because it removes the requirement for a GPA and ZC, which are discretionary actions, and incrementally (although not significantly) reduces the magnitude of impacts to most issue areas by approximately 11 percent.

However, the applicant has purchase power agreements in place for the full 100 MWs included in the proposed project. If Alternative 1 is selected, the applicant would need to develop a second project in the Antelope Valley in order to produce the full contracted amount of energy. The need for another location to supplement the energy under a reduced project alternative could result in greater environmental impacts than what would occur from implementation of the full 100 MWs at the project site under the proposed project. Therefore, the City finds that the Reduced Project Size alternative would either result in more impacts due to a second location being required to fill the PPA or it would not be constructed in this location causing the project not to proceed.

### **C. ALTERNATIVE 2: NO PROJECT/BUILD UNDER DEVELOPMENT AGREEMENT AND EXISTING ENTITLEMENTS**

During the proposed project's scoping process, a commenter suggested "an indefinite moratorium on all solar projects" in the region. Alternative 2, which is also a CEQA "No Project Alternative," addresses that concern. Under Alternative 2, the project site would not be developed as a solar generation facility. The 645 acres covered by Development Agreement No. 89-01 and existing entitlements, would be built out as the Del Sur Ranch master planned community. This development would be a phased residential and commercial development including 2,466 single-family dwelling units, fire station, school facilities, a park, a lake with a 21-acre surface area, and associated recreational facilities. The lake would have a maximum depth of 8 feet or more, and would have an estimated water volume of 143 acre-feet. Water for filling and maintaining the lake would be supplied from onsite wells and the lake would also collect some stormwater runoff from the community development. The full build-out of the Del Sur Ranch community would occur over a period of 10 years (City of Lancaster 1993).

Alternative 2 would not meet most of the basic project objectives:

- Develop a utility-scale solar energy generating facility and accompanying infrastructure that qualifies as an eligible renewable energy resource: *Does not meet objective (residential/commercial development instead of renewable energy development).*
- Contribute to the diversification of State and local energy portfolios: *Does not meet objective (residential/commercial development instead of renewable energy development).*
- Create green jobs in California: *Does not meet objective (residential/commercial development instead of renewable energy development).*
- Meet the increasing demand for electricity generated from renewable technology, and to assist in the effort to meet the Senate Bill 14 RPS: *Does not meet objective (residential/commercial development instead of renewable energy development).*
- Use disturbed land or land that has been previously degraded from prior use: *Meets objective (same as proposed project).*
- Use existing electrical distribution facilities, ROWs, roads, and other existing infrastructure where possible to minimize the need for new electrical support facilities: *Does not meet objective (would require new infrastructure to serve the development).*
- Minimize impacts to threatened or endangered species or their habitats, wetlands and waters of the United States, cultural resources, and sensitive land use: *Does not meet objective (much greater intensity of land use than proposed project).*
- Minimize water use: *Does not meet objective (greatly increased over the proposed project).*
- Reduce greenhouse gas emissions: *Does not meet objective (would increase emissions and would not offset increases with renewable energy production).*



## ***Aesthetics***

Construction of Alternative 2 would permanently alter the nature and appearance of the project site. Views of the project site would be replaced by 2,466 single-family dwelling units, a fire station, school facilities, a park, a lake with a 21-acre surface area, and associated recreational facilities. While several of these features, including the lake and open space areas, are considered visually appealing, the overall development would significantly alter existing form, color, and texture of the landscape and rural visual quality. Alternative 2 would significantly alter existing foreground and middleground views from KOPs 1-4, changing them from a rural feel to an occupied urbanized environment. Significant roadway traffic would also alter the visual quality of the project site and surrounding area. However, background views of adjacent rolling hills and mountains would remain unobstructed.

Overall visual contrast of Alternative 2 would be significantly greater when compared to the proposed project. This is emphasized by the lack of residential development proximate to the project site under existing conditions and the potential to introduce uses, such as commercial development, that are not currently part of the immediate area surrounding the project site. The development of Alternative 2 would also result in a significant new permanent sources of nighttime light.

## ***Agricultural Resources***

Under Alternative 2, the impacts to agricultural resources would result in the same conversion of agricultural soils as described under the proposed project. The reduction in project size from 725 acres under the proposed project to 645 acres under Alternative 2 would lessen the significant and unavoidable impact associated with the conversion of agriculturally productive soils; however, this decrease in acreage would not change the "Project Size" score for the LESA Model. In addition, the proposed project's solar panels would not preclude agricultural uses on the site after decommissioning. Alternative 2 would convert the project site to residential and commercial uses and impacts to agricultural resources would be permanent.

After the construction phase of Alternative 2, the residential and commercial development would result in increased human activity in the project area in comparison to the existing conditions or the conditions during operation of the proposed project. Disruptions may include increased traffic or the potential for hazardous spills, which could result in disruptions to adjacent agricultural activities. However, these impacts would be required the same mitigation measures as discussed under the proposed project, and the impact determination would be the same.

## ***Air Quality***

Alternative 2 would increase the total air pollutant emissions during both construction and operation. Depending on the schedule of the development, the construction could have significant and unavoidable emissions impacts for PM<sub>10</sub> and NO<sub>x</sub> due to the much larger scale of construction required for this alternative's large residential and commercial development in comparison to the proposed project. An estimated 34,967 daily trips would occur under Alternative 2, and it is likely that the air emissions would exceed daily Antelope Valley Air Quality Management District (AVAQMD) significance thresholds.

## ***Greenhouse Gas Emissions***

Alternative 2 would increase overall GHG emissions during both construction and operation. The construction emissions magnitude, amortized over the project life, would be a small fraction of the operations emissions, which would include indirect GHG emissions associated with electricity and

water use as well as direct GHG emissions from natural gas use within the residential and commercial development and the ongoing traffic related to the development. More importantly this alternative does not have the benefit of a large renewable energy source that would reduce GHG emissions from the electricity sector. However, emissions would likely still be below the AVAQMD GHG emissions significance threshold and it is assumed this alternative would be required to be constructed in a manner that would conform with GHG emissions reductions plans, policies, and requirements.

### ***Biological Resources***

Alternative 2 would impact the same type of habitat as described for the proposed project; the total acreage impacts are slightly less than the proposed project. Although the construction associated with the generation-tie lines and communication lines would not be needed, the residential and commercial development would require construction of sewer, water, and power line connections to the project site. Alternative 2's smaller footprint would result in a reduction in the loss of foraging and special status species habitat by approximately 80 acres; under the proposed project these impacts can be mitigated to a level of less than significant.

In comparing the end use of both the proposed project and Alternative 2, both would result in increased collisions for avian species compared to baseline conditions. While the proposed project's solar panels would present a collision risk to birds; the buildings, windows, and other structures and features associated with the residential and commercial development under Alternative 2 would also present a collision risk. Alternative 2 would likely allow for the persistence of disturbance tolerant birds within the development; however, this alternative would also introduce a variety of domesticated animals that would prey on native wildlife species and likely expand into adjacent natural areas. Alternative 2 would not allow for pockets of native habitat to persist, whereas the proposed project would continue to have native habitat between solar arrays and related facilities, although it is unknown what type and how much native habitat would remain in these areas during operation of the proposed project.

### ***Cultural and Paleontological Resources***

Under Alternative 2 there would be a similar impact to cultural resources as the proposed project. However, there would be an increased possibility of uncovering potentially significant paleontological resources since excavations would be 8 feet deep or more. With the application of the proposed mitigation measures, impacts to paleontological resources would be less than significant. In addition, under this alternative the generation-tie and communication line routes would not be needed. Therefore, any potential impacts to cultural resources that could occur with the construction of these lines would not be impacted under Alternative 2.

### ***Geology and Soils***

Construction of Alternative 2 would have similar geology and soils impacts as the proposed project. Although impacts related to potential risk of loss, injury, or death due to seismically induced ground shaking would be reduced to less than significant by compliance with State, County, and City building codes, there is an increased risk for this impact to occur due to the presence of numerous residences and many people within the project area. There is also an increased, but still less than significant, potential for soil erosion due to construction. Alternative 2 would include significantly more ground disturbance for construction of buildings and roads, however as with the proposed project, implementation of the National Pollutant Discharge Elimination System required SWPPP and associated best management practices would reduce this impact to less than significant. Impacts

related to unsuitable soils would be similar with design and implementation of corrosion protection for buried metal components.

### ***Hazards and Hazardous Materials***

Construction of Alternative 2 would have similar impacts as the proposed project related to leaks and spills of hazardous materials (fuels, oils, lubricants, paints, solvents), but a much greater potential for leaks and spills during the project life due to the presence of a large number of homes and commercial development. The potential use of CdTe solar modules for the proposed project would likely exceed the voluntary use of such panels by individual residential, commercial, fire station and school properties of Del Sur Ranch, resulting in a greater impact related to the disposal or recycling of broken panels for the proposed project. Alternative 2 would have the same potential as the proposed project to encounter previously unknown soil contamination (fuels, oil, pesticides and herbicides) and former underground storage tanks during site grading and construction.

### ***Hydrology and Water Quality***

Alternative 2 would substantially increase adverse impacts to groundwater supply compared to the proposed project. The proposed project would require approximately 196 af of water during the 12-month construction period, and approximately 4.8 af of water during each year of operation over the approximately 35-year expected lifetime of the project. Alternative 2 would require approximately 3,745 af annually for landscaping and residential use. This water demand (compared to both baseline conditions and water demand for the proposed project) would substantially increase the severity of the impact to groundwater supply compared to the proposed project. This impact would be significant and unavoidable and no mitigation is available to reduce the severity of this impact.

Construction and operation of Alternative 2 would substantially alter the existing drainage pattern of the project site, place structures within a floodplain, and substantially increase the amount of new impervious surfaces compared to both baseline conditions and the proposed project. The entire site would be graded to accommodate the construction of 2,466 single-family dwelling units, commercial uses, a fire station, school facilities, a park, a lake with a 21-acre surface area, and associated recreational facilities. If the project site is improperly designed, these alterations to the existing drainage pattern, the placement of structures within a floodplain, and the amount of new impervious surfaces could result in flooding on- or off-site. The severity of this impact would be reduced through implementation of mitigation measures to maintain existing drainage patterns where feasible and to control runoff on the project site through development and implementation of a project-specific SWPPP. Also, compliance with existing regulations regarding development within a floodplain would reduce the potential impact related to flooding and diversion of flood waters. The impacts described above would be more severe compared to the proposed project, but would be less than significant with implementation of recommended mitigation.

Construction and operation of Alternative 2 could degrade water quality through erosion and sedimentation and through the accidental release of hazardous materials. Grading and site development would loosen and disturb soil that could subsequently wash into nearby waterbodies during a storm event, resulting in increased turbidity and sedimentation. The accidental release of hazardous materials during construction of this alternative could potentially result in water quality degradation within the Antelope Valley Watershed or the Antelope Valley Groundwater Basin. Potentially hazardous materials may include diesel fuel, gasoline, lubricant oils, hydraulic fluid, antifreeze, transmission fluid, lubricant grease, and other fluids required for the operation of construction vehicles and equipment. If these materials were leaked or spilled, they could degrade receiving waters. During operation of this alternative, common household materials, such as paint,

solvents, herbicides, pesticides, and cleaning supplies, could be spilled and subsequently degrade receiving waters. These impacts could be reduced through implementation of mitigation measures to control erosion and sedimentation both on- and off-site (including development of a project-specific SWPPP), and measures to respond to and control accidental releases of hazardous materials.

### ***Land Use, Population, and Recreation***

Under Alternative 2, the types of land use impacts would be similar to those described under the proposed project but would occur over a longer duration (both construction and operation phases). However, completion of construction would result in increased human activity in the project area in comparison to the conditions during the operation period of the proposed project. Disruptions to surrounding land uses would increase in comparison to the proposed project as they would include increased traffic and noise, increased night lighting and other visual impacts, and decreased air quality. Additional mitigation measures for these impacts would be required, although the significance determination would be significant and unavoidable. The development of Alternative 2 would directly result in a permanent increase in the local population. This impact would be substantially greater than in the proposed project.

### ***Noise***

Under Alternative 2, construction, operation, and maintenance noise would increase compared to the proposed project. The levels of construction noise would be similar to the proposed project, although potentially slightly less as impact pile driving would not likely occur; however, the intensity and duration (10 years compared to 12 months) would be expected to be greater. Noise associated with O&M would also be greater for residential and commercial uses, as there would be daily traffic commuting in and out of the development, which would impact the noise levels along the local roadway network. Additionally, on-site noise-producing activities, such as home and yard maintenance, and noise from domestic animals (e.g., dogs barking) would contribute to ongoing operational noise. As such, Alternative 2 would result in greater construction and O&M noise compared to the proposed project.

### ***Public Services, Utilities, and Service Systems***

Under Alternative 2, a master planned community with 2,466 single-family dwelling units, commercial uses, a fire station, school facilities, a park, a lake with a 21-acre surface area, and associated recreational facilities would be constructed, and would significantly increase the demand for public services. Alternative 2 would have a greater impact on public services and utilities than the proposed project.

### ***Transportation and Traffic***

Construction. The maximum daily vehicle trips generated during construction of Alternative 2 is unknown. However, it could be equal to or greater than those generated by the proposed project, depending on how construction of the residential units is phased. Like the proposed project, trips generated during construction would be temporary. The inclusion of mitigation similar to measure TRA-1 (as proposed for the project) restricting trips during peak periods would help reduce roadway congestion impacts. However, it should be noted that the construction period associated with Alternative 2 would be greater than the proposed project. Alternative 2 is expected to generate a total of 34,967 average daily trips, with a morning peak hour volume of 2,595 and an afternoon peak hour volume of 3,288.

As shown, Alternative 2 could have a significant impact on West Avenue G and could result in substantial new traffic volumes on SR-14. These trips would be significant when compared to the proposed project, which would only generate a maximum of 14 trips per day on these study area roadways during operation. It is assumed that the design of Alternative 2 roadways and access features would comply with City of Lancaster standards. Therefore, less than significant impacts would be expected with respect to creating roadway hazards due to a design features or incompatible uses, impeding emergency access, providing necessary parking, and complying with plans and policies pertaining to alternative transportation facilities and routes. Finally, Alternative 2 would not include any features that could impact airspace navigation or aviation safety. No impacts would occur with respect to aviation from Alternative 2.

Alternative 2 presents a likely development scenario for the 645-acre area under the approved development agreement and existing entitlements for a planned residential community. In comparison to the proposed project, Alternative 2 would significantly and permanently increase the population in the project area, which would have a greater impact on traffic, noise, air quality, public services, roadways, water use, and other environmental issue areas. Additionally, it does not meet most of the basic objectives of the proposed. It only meets one of the nine objectives.

**Finding:** Alternative 2 (No Project/Build Under Development Agreement and Existing Entitlements) would result in substantially more environmental impacts than the proposed project and would only meet one of the project's objectives. The City therefore finds that Alternative 2 is not preferable to the proposed project.

#### ***D. ALTERNATIVE 3: NO PROJECT/NO BUILD***

##### **Description**

Under Alternative 3, No Project, No Build; the solar generating facility and gen-tie and communication line would not be built. The baseline environmental conditions for the No Project Alternative are the same as for the proposed project, as provided in Section C of the Final EIR. These baseline conditions would continue to occur into the future, undisturbed, in the absence of project-related construction activities.

The objectives of the proposed project would remain unfulfilled under Alternative 3, and would not contribute to achieving California's renewable generation goals. There are two foreseeable outcomes that could occur under the No Project Alternative:

**1. Development of other solar projects in the Antelope Valley.** Given the transmission capacity available to serve generation in the Antelope Valley, it is possible that another solar project(s) would be proposed on the site (solar development is an allowable use under the existing development agreement), or elsewhere in the region. If this occurs, the impacts would likely be similar to those of the proposed project, or potentially greater depending on the size (in terms of generating capacity and associated acreage) of the facility or facilities proposed, as well as the facilities' locations and proximity to sensitive resources.

**2. Development of solar projects in other parts of California.** If the City determines that development of the proposed project is not appropriate in the City of Lancaster, renewable generation development could occur in other parts of the County or State.

Alternative 3 would not meet most of the basic project objectives:

- Develop a utility-scale solar energy generating facility and accompanying infrastructure that qualifies as an eligible renewable energy resource: *Does not meet objective.*
- Contribute to the diversification of State and local energy portfolios: *Does not meet objective.*
- Create green jobs in California: *Does not meet objective.*
- Meet the increasing demand for electricity generated from renewable technology, and to assist in the effort to meet the Senate Bill 14 RPS: *Does not meet objective.*
- Use disturbed land or land that has been previously degraded from prior use: *Does not meet objective.*
- Use existing electrical distribution facilities, ROWs, roads, and other existing infrastructure where possible to minimize the need for new electrical support facilities: *Does not meet objective.*
- Minimize impacts to threatened or endangered species or their habitats, wetlands and waters of the United States, cultural resources, and sensitive land use: *Meets objective (greater than proposed project because there would be no development).*
- Minimize water use: *Meets objective (greater than proposed project because there would be no development).*
- Reduce greenhouse gas emissions: *Does not meet objective (would not offset emissions with renewable energy production).*

### ***Aesthetics***

Under Alternative 3, existing views of the project site would remain unchanged and continue to occur into the future unless other development occurred within the project site. No features would be constructed that could result in visual change/contrast or that would introduce a source of nighttime light or glare. Therefore, no aesthetic impacts would occur.

### ***Agricultural Resources***

Under Alternative 3, existing agricultural lands would not be converted to a nonagricultural use, and the grazing activities (unauthorized on the project site) could continue to occur. Therefore, no impacts to agricultural resources would occur.

### ***Air Quality***

This alternative would not change current air quality emissions related to the project site. Therefore, there would be no air quality impacts related to this alternative.

### ***Greenhouse Gas Emissions***

This alternative would not change current greenhouse gas emissions related to the project site. Therefore, there would be no direct greenhouse gas emissions impacts related to this alternative. However, if the 100 MW of solar energy that is to be built on this site is not built elsewhere then this alternative would remove the beneficial greenhouse gas emissions impact of the proposed project's renewable energy source.

### ***Biological Resources***

Implementation of Alternative 3 allows for existing biological resources to remain at current baseline conditions for an unknown period of time and the on-site habitats would not be disturbed. Because the habitats would not be disturbed, it is assumed that all existing plant and wildlife species would persist. Therefore, no impacts to biological resources would occur under Alternative 3.

### ***Cultural and Paleontological Resources***

Under Alternative 3, the project site would remain unchanged with no development. Without construction of the solar facility and generation-tie lines and communication line, this alternative would not impact cultural and paleontological resources, which have been identified near the project site.

### ***Geology and Soils***

Under Alternative 3 the proposed project would not be implemented and, therefore, the geology and soils impacts related to seismically induced ground shaking, soil erosion, and corrosive soils would not occur.

### ***Hazards and Hazardous Materials***

Under Alternative 3, the proposed project would not be implemented and, therefore, the potential for leaks and spills of hazardous materials would not occur.

### ***Hydrology and Water Quality***

Under Alternative 3, the proposed project would not be implemented and, therefore, no additional water use would occur at the site, and no new sources of potential water quality degradation would be introduced. Existing drainage patterns of the project site would remain the same, and therefore no potential for flooding would be introduced.

### ***Land Use, Population, and Recreation***

Under Alternative 3, the existing land use (undeveloped) would continue and there would be no disruptions to adjacent land uses. The population level would remain the same, and there would be no potential for disruptions to nearby recreational resources. Therefore, under this alternative there would be no impacts to land use, population, or recreational resources.

### ***Noise***

Under Alternative 3, the proposed project would not be implemented and, therefore, impacts related to noise would not occur.

### ***Public Services, Utilities and Service Systems***

Under Alternative 3, the proposed project would not be implemented and, therefore, no impacts to public services, utilities, or service systems would occur.

### ***Transportation and Traffic***

Under Alternative 3, the project site would remain unchanged into the future and no features would be constructed that could result in temporary or permanent increases to traffic volumes or changes to the local roadway system. Therefore, this no-build alternative would have no traffic impacts.

Alternative 3 would avoid impacts for all issue areas. This alternative would not include development and the project site would remain vacant, which would not change the site conditions and current activities. In comparison to the proposed project, this alternative would have no impacts to biological resources, traffic, noise, air quality, public services, roadways, water use, and other environmental issue areas. However, if the proposed project is not constructed then there is the

potential for other solar facilities to be proposed in the future on this project site, which would be consistent with the surrounding land uses. Additionally, this alternative does not meet most of the objectives of the proposed project. Alternative 3 meets 2 of 9 objectives.

**Finding:** The No Project/No Build Alternative would have less environmental impacts than the proposed project; however, it would not achieve most of the project's objectives (2 of 9), and would most likely result in development as envisioned by the General Plan or with alternative energy in the long term. The City therefore finds that Alternative 3 is not preferable to the proposed project.

## 7. STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Lancaster Planning Commission hereby declares that, pursuant to CEQA Guidelines Section 15093, the Planning Commission 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 Planning Commission 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 Planning Commission identified cumulative impacts associated with PM10 emissions and cumulative impacts to sensitive plant and animal species as significant and unavoidable.

The Planning Commission 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 Planning Commission 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 Planning Commission finds outweigh the unmitigated impacts.

The Planning Commission 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 Planning Commission finds outweigh any environmental benefits of the alternatives.

The Planning Commission 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 environmental impacts after mitigation, the Planning Commission has determined that the social, economic and environmental benefits of the project outweigh the potential environmental impacts and render those potential significant impacts acceptable based upon the following considerations:

- A. The project will generate 100 MW of alternative energy helping to meet the State's Renewable Portfolio Standard of 33% percent by 2020 and help the City of Lancaster achieve net-zero status.
- B. The project will help offset greenhouse gas emissions from the production of electricity from fossil fuel in compliance with AB 32.



- C. The project will augment the City's economic base by yielding one-time revenues to the City of Lancaster from sales tax on construction materials.
- D. The project will provide approximately 250 total construction jobs over a 24-month period and 1 full-time permanent job that are vitally important, given the City's unemployment situation.

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 Planning Commission 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 Planning Commission 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 Planning Commission has identified economic and social benefits and important policy objectives, which result from implementing the project. The Planning Commission has balanced these substantial social and economic benefits against the effects of the project. Given the substantial social and economic benefits that will accrue from the project, this Planning Commission finds that the benefits identified herein override the 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 21 002.1( 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 Planning Commission 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 Planning Commission 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.

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<b>AIR QUALITY</b>							
AQ-1.	<p>A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designed so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:</p> <ul style="list-style-type: none"> <li>• Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>• Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.</li> <li>• Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.</li> <li>• Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to control dust.</li> <li>• When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emission from inactive disturbed</li> </ul>	<p>Prior to the final approval of a grading plan, issuance of a stockpile or construction permit, or any ground disturbing activities.</p> <p>Compliance with the dust control plan shall be verified by building inspectors and the air district during the construction period.</p>	<p>A copy of the AVAQMD-approved Dust Control Plan.</p> <p>Field inspections.</p>	<p>Development Services Department, Community Development Division (Planning and Building and Safety), and the AVAQMD.</p>			

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	<p>areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.</p> <ul style="list-style-type: none"> <li>Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.</li> <li>Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.</li> <li>Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.</li> </ul>						
AQ-2	<p>Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.</p>	<p>Compliance with the identified mitigation measure shall be verified by building inspectors during the construction period.</p>	<p>Field inspections.</p>	<p>Development Services Department, Community Development Division (Building and Safety).</p>			
<b>BIOLOGICAL RESOURCES</b>							
BR-1	<p>Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist. The WEEP shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.</p>	<p>Prior to final approval of a grading/construction plan or issuance of a stockpile or construction permit.</p>	<p>Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), copies of the environmental training reference pamphlet shall be provided to the City for review and approval. Copies of the training log shall be provided to the City on a monthly</p>	<p>Development Services Department, Community Development Division (Planning)</p>			

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BR-2	Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.	During construction.	Field inspections shall be conducted to ensure pamphlets are posted in the construction trailer.  Field inspections.	Development Services Department, Community Development Division (Building and Safety).			
BR-3	To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, the applicant shall provide to the City a description of	Development Services Department, Community Development Division (Planning)			

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	of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.		proposed preserved and/or mitigation lands for review and approval.  Prior to any ground disturbance, provide the City documentation of a recorded conservation easement on the approved mitigation lands.				
BR-4	Prior to the issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, the applicant shall provide to the City copies of the draft WCP for review and approval.  WCP implementation activities shall be reported to the City on a monthly basis.	Development Services Department, Community Development Division (Planning)			
BR-5	Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or	During construction.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, a copy of the contract between the biologist and the applicant shall be provided to	Development Services Department, Community Development Division (Planning)			



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	within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.		the City.				
BR-6	<p>Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.</p> <p>The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.</p> <p>During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provides recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive</p>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.</p>	<p>Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, the applicant shall submit the Bird and Bat Monitoring and Avoidance Plan to the City for review and approval.</p> <p>During construction and for three years following the beginning of operations, the biologist shall submit quarterly reports to the City of Lancaster describing the dates, durations, and results of monitoring and data collection.</p> <p>Following the completion of the fourth quarter of monitoring for each year post-construction, the</p>	<p>Development Services Department, Community Development Division (Planning)</p>			

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BR-7	<p>management actions needed. A copy of the annual report shall be provided to CDFW.</p> <p>If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.</p> <p>Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.</p> <p>If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.</p> <p>If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the</p>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.</p>	<p>Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, a copy of the report from a biologist with the results of the migratory bird and raptor survey.</p>	<p>Development Services Department, Community Development Division (Planning)</p>			

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	<p>construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.</p> <p>The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.</p> <p>If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.</p>						
BR-8	<p>To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.</p> <p>Compensation lands shall be located within the Antelope Valley. An open space easement shall be</p>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.</p>	<p>Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, the applicant shall provide to the City a description of</p>	<p>Development Services Department, Community Development Division (Planning)</p>			



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	recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.		proposed compensation lands for review and approval.  Prior to any ground disturbance, provide the City documentation of a recorded conservation easement on the approved mitigation lands.				
BR-9	Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.  Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of	Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities in any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, submit a copy of the report from a biologist with the results of the rare plant survey to the City.  If compensatory mitigation is required, the applicant shall provide to the City a description of proposed compensation lands	Development Services Department, Community Development Division (Planning)			

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	<p>disturbance including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed along the buffer area and remain in good working order during the duration of any construction activities in the area.</p> <p>Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.</p> <p>If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within ¼ mile of the project impact location), compensatory mitigation shall be required.</p> <p>To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside of the main project site, or a combination of both) that is not already</p>		<p>for review and approval.</p> <p>Prior to any ground disturbance in affected areas, provide the City documentation of a recorded conservation easement on the approved mitigation lands.</p>			

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	<p>public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.</p> <p>Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be "nested" within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.</p>					
BR-10	<p>No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:</p> <ul style="list-style-type: none"> <li>• Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-</li> </ul>	No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, a copy of the report from a biologist with the results of the burrowing owl survey.	Development Services Department, Community Development Division (Planning)		

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	<p>invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active</p> <ul style="list-style-type: none"> <li>Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-ft buffer zone shall be maintained around the occupied burrow(s).</li> <li>If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from the CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.</li> <li>Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.</li> </ul>						
BR-11	No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction	No more than 15 days prior to grading near or the removal of trees or	Prior to any rolling, vegetation removal, grubbing, or grading	Development Services Department, Community Development Division			



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	<p>surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.</p> <p>If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.</p>	structures.	near, or the removal of, trees or structures, a copy of the report from a biologist with the results of the bat roost survey.	(Planning)			
BR-12	<p>No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup-rearing season is generally from January 15 through mid-September.</p> <p>If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall</p>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or no more than 30 days prior to any ground disturbing activities.</p>	<p>No more than 30 days prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, a copy of the report from a biologist with the results of the badger and kit fox survey.</p>	<p>Development Services Department, Community Development Division (Planning)</p>			

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<b>CULTURAL RESOURCES</b>							
CR-1	All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.	During construction.	Field inspection and notification of City staff.	Development Services Department, Community Development Division (Planning)			
CR-2	A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities. During construction.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, submittal of a copy of the CRTP to the City for review and approval. A copy of the contracts with the archaeologist and Native American	Development Services Department, Community Development Division (Planning)			

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	<p>Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.</p>		tribes shall also be submitted to the City.			
CR-3	<p>Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be followed upon the discovery of cultural or paleontological materials. All personnel shall be</p>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.</p>	<p>Submittal of a copy of the training materials covered by the archaeologist and the training log. The training log shall be submitted to City on a monthly basis with any new construction personnel.</p>	<p>Development Services Department, Community Development Division (Planning)</p>		

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	instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.						
CR-4	All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not being impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.	During construction	Field inspection and notification of City staff.	Development Services Department, Community Development Division (Planning)			
CR-5	If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native	During construction	Field inspection, as needed.	Development Services Department, Community Development Division (Planning)			



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	American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.						
<b>GEOLOGY AND SOILS</b>							
GEO-1	Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	The applicant shall submit a plan detailing the corrosion protection measures to be used to the City for review and approval.	Development Services Department; Community Development Division (Building and Safety)			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>							
HAZ-1	Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, the applicant shall submit a copy of the SWPPP.	Development Services Department; Community Development Division (Building and Safety)			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date Remarks
	hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified in the Plan that address California requirements outlined in for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.					
HAZ-2	Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill, by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Prior to any rolling, vegetation removal, grubbing, grading, or stockpiling, or construction activities, the applicant shall submit the Emergency Response Plan to the City for review and approval.	Development Services Department, Community Development Division (Building and Safety)		
HAZ-3	The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be: <ul style="list-style-type: none"> <li>Handled in a manner that is protective of human health and the environment.</li> <li>Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.</li> <li>Stored onsite no longer than allowed by federal and</li> </ul>	During construction, operation, and decommissioning.	Field inspection and notification of City staff.	Development Services Department, Community Development Division (Building and Safety)		

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
HAZ-4	<p>State law.</p> <ul style="list-style-type: none"> <li>All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.</li> </ul> <p>Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.</p>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.</p>	<p>Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, the applicant shall submit a Fire Soil Management Plan to the City for review and approval.</p> <p>Field inspection and notification of City staff.</p>	<p>Development Services Department, Community Development Division (Planning)</p>		
<b>HYDROLOGY AND WATER QUALITY</b>						
WQ-1	<p>The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and control stormwater runoff.</p>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction</p>	<p>Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or</p>	<p>Development Services Department, Community Development Division (Building and Safety)</p>		

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
	<p>erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and</p>	<p>permit, or any ground disturbing activities. During construction.</p>	<p>construction activities, the applicant shall submit a copy of the SWPPP, a copy of the training materials covered by the environmental training program, and the training log. The training log shall be submitted to City on a monthly basis with any new construction personnel.  Field inspection and notification of City staff.</p>			



Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
	maintenance activities.					
<b>NOISE</b>						
N-1	The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of the Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.	During construction.	Field Inspection and notification of coordination efforts to City.	Development Services Department, Community Development Division (Planning)		
N-2	All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.	During construction.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
N-3	Limit unnecessary idling of construction equipment.	During construction.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
N-4	Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.	During construction.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
N-5	The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning	During construction.	Field Inspection.	Development Services Department, Community		

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
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	purposes only.			Development Division (Building and Safety)		
N-6	No project-related public address or music system shall be audible at any adjacent receptor.	During construction.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
N-7	Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.	During construction.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
N-8	Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, submit a copy of the notification to the City.	Development Services Department, Community Development Division (Planning)		
N-9	Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, submit documentation of project hotline and its availability to residents, and submit the proposed appeal process to the City for review and approval. Documentation of all noise complaints and resolution shall be	Development Services Department, Community Development Division (Planning)		

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
N-10	Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.	During construction.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
N-11	Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Notify City of measures to be implemented to reduce project-related automobile trip generation.	Development Services Department, Community Development Division (Planning)		
N-12	During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.	During operation.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
<b>PUBLIC SERVICES, UTILITIES, AND SERVICE SYSTEMS</b>						
PSU-1	The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include	Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.	Prior to any rolling, vegetation removal, grubbing, grading, stockpiling, or construction activities, provide documentation of coordination with emergency service providers to the City	Development Services Department, Community Development Division (Planning)		

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE	
					Initials	Date
<b>TRANSPORTATION AND TRAFFIC</b>						
TRA-1	<p>details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.</p> <p>During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.</p>	During construction.	Field Inspection.	Development Services Department, Community Development Division (Building and Safety)		
TRA-2	<p>In the event the Western or Eastern Route is selected for gen-tie connection, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:</p> <ul style="list-style-type: none"> <li>• Locations and duration of any public travel lane/roadway closures.</li> <li>• Placement of temporary signing and traffic control measures as required.</li> <li>• Ways to ensure access for emergency vehicles to the project site.</li> <li>• Ways to maintain access to adjacent property.</li> </ul>	<p>Prior to final approval of a grading/construction plan, issuance of a stockpile or construction permit, or any ground disturbing activities.</p>	<p>A traffic control plan shall be submitted by the applicant for the City approval by the City prior to the start of construction.</p>	Development Services Department, Community Development Division (Traffic Engineering)		



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING THE CITY ZONING PLAN FOR A TOTAL OF 80± ACRES OF A 725-ACRE SITE GENERALLY BOUNDED BY AVENUE G, AVENUE H, 93<sup>RD</sup> STREET WEST AND 107<sup>TH</sup> STREET WEST, KNOWN AS ZONE CHANGE NO. 14-03

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by Sustainable Power (sPower) Group, LLC, to change the zoning designation on 80± acres of land of a 725±-acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West from R-7,000 (single family residential, minimum lot size 7,000 square feet), R-10,000 (single family residential, minimum lot size 10,000 square feet), and R-15,000 (single family residential, minimum lot size 15,000 square feet) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres); and

WHEREAS, notice of intention to consider the zone change of the subject properties 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 September 21, 2015 and the City Council on \_\_\_\_\_; and

WHEREAS, the Planning Commission reviewed and certified the Final EIR prepared for the proposed project in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, the Planning Commission adopted the Findings contained in Exhibit “A” and the mitigation measures in Exhibit “B” of Planning Commission Resolution No. 15-19;

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

1. The proposed Zone Change from R-7,000, R-10,000, and R-15,000 to RR-2.5 will be consistent with the General Plan land use designation of NU requested by the applicant.
2. Modified conditions including a change in the project site’s General Plan land use designation to provide for a suitable alternative energy site, warrant a revision in the zoning for the subject property which would allow the development of a photovoltaic solar electric generating facility.
3. A need for the proposed zone classification of RR-2.5 exists within the area in order to allow for the development of cohesive, larger scale, distributive generation solar energy facilities. Property zoned as RR-2.5 exists in the area; however, it is in smaller parcels

with different owners making it difficult to develop with larger scale solar energy projects.

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

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

Section 1. That the subject property is reclassified from R-7,000, R-10,000, and R-15,000 to RR-2.5.

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

I, Britt Avrit, 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 \_\_\_\_\_, 2015, and placed upon its second reading and adoption at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
BRITT AVRIT, 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)

## RESOLUTION NO. 15-20

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-15a

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-15a is approximately 129.542± gross acres and is designated as Parcel 1 of the proposed Tentative Administrative Parcel Map No. 73501; and

WHEREAS, CUP 14-15a would include solar photovoltaic panels and potentially switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological

resources; however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 129.542± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designations of UR (Urban Residential), C (Commercial), O (Open Space), and P (Public Use), as described in Sections 3, 4, and 5 of Development Agreement No. 89-01AM.
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the panels is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

6. The proposed site is adequately served:
  - a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-15a, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:


AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.


ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-20**  
**CONDITIONAL USE PERMIT NO. 14-15a**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

#### **MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust



control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist. The WEEP shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be

responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed

along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within  $\frac{1}{4}$  mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
- Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
- If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
- Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.

27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

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If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.

29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be



followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.

32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified

in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.

36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
  - Handled in a manner that is protective of human health and the environment.
  - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
  - Stored onsite no longer than allowed by federal and State law.
  - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

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control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

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45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.

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54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:
- Locations and duration of any public travel lane/roadway closures.
  - Placement of temporary signing and traffic control measures as required.
  - Ways to ensure access for emergency vehicles to the project site.
  - Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or



irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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

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

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

### ENVIRONMENTAL

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

### ALCOHOL CONDITIONS

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

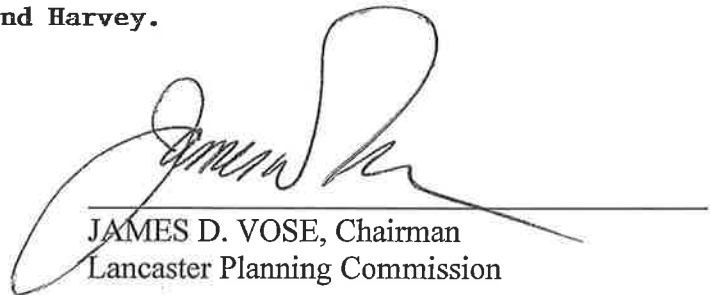
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director  
City of Lancaster

## RESOLUTION NO. 15-21

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-15b

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-15b is approximately 75.072± gross acres and is designated as Parcel 5 of the proposed Tentative Administrative Parcel Map No. 73501; and

WHEREAS, CUP 14-15b would include solar photovoltaic panels and potentially switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological resources; however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 75.072± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designations of UR (Urban Residential), C (Commercial), O (Open Space), and P (Public Use), as described in Sections 3, 4, and 5 of Development Agreement No. 89-01AM.
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, “consider and promote the use of alternative energy such as wind energy and solar energy.”
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the panels is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.
6. The proposed site is adequately served:



- a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-15b, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:

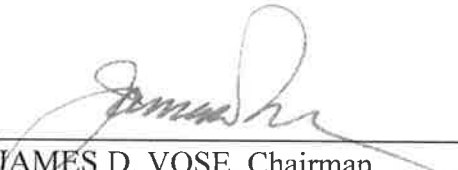
AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-21**  
**CONDITIONAL USE PERMIT NO. 14-15b**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

#### **MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust

Conditions List

Attachment to PC Resolution No. 15-21

Conditional Use Permit No. 14-15b

September 21, 2015

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control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist. The WEEP shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be

Conditions List

Attachment to PC Resolution No. 15-21

Conditional Use Permit No. 14-15b

September 21, 2015

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responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed



along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within ¼ mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
- Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

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nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
  - If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
  - Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.
27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

- If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.
29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
  30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
  31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be

followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.

32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified

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in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.

36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
  - Handled in a manner that is protective of human health and the environment.
  - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
  - Stored onsite no longer than allowed by federal and State law.
  - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

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45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.



54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:
- Locations and duration of any public travel lane/roadway closures.
  - Placement of temporary signing and traffic control measures as required.
  - Ways to ensure access for emergency vehicles to the project site.
  - Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or

irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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

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

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

#### **ENVIRONMENTAL**

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

#### **ALCOHOL CONDITIONS**

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

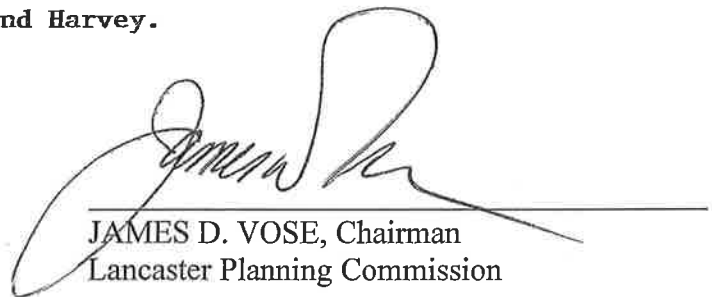
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director  
City of Lancaster



## RESOLUTION NO. 15-22

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-15c

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-15c is approximately 232.952± gross acres and is designated as Parcel 4 of the proposed Tentative Administrative Parcel Map No. 73501; and

WHEREAS, CUP 14-15c would include solar photovoltaic panels and potentially switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological

resources; however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 232.952± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designations of UR (Urban Residential), C (Commercial), O (Open Space), and P (Public Use), as described in Sections 3, 4, and 5 of Development Agreement No. 89-01AM.
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the panels is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

6. The proposed site is adequately served:
  - a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-15c, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.


ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-22**  
**CONDITIONAL USE PERMIT NO. 14-15c**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

#### **MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust

control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEED) shall be prepared and implemented by a qualified biologist. The WEED shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be



responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed

along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within ¼ mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
  - Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
  - If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
  - Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.
27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.

29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be

- followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.
32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
  33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
  34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
  35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified

in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.

36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
  - Handled in a manner that is protective of human health and the environment.
  - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
  - Stored onsite no longer than allowed by federal and State law.
  - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

Conditions List

Attachment to PC Resolution No. 15-22

Conditional Use Permit No. 14-15c

September 21, 2015

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control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.



Conditions List

Attachment to PC Resolution No. 15-22

Conditional Use Permit No. 14-15c

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54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:
- Locations and duration of any public travel lane/roadway closures.
  - Placement of temporary signing and traffic control measures as required.
  - Ways to ensure access for emergency vehicles to the project site.
  - Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or

irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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

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

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

#### ENVIRONMENTAL

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

#### ALCOHOL CONDITIONS

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

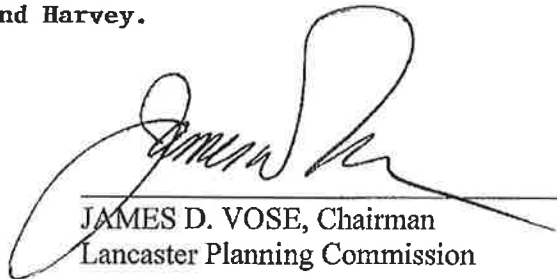
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Commissioners Burkey and Harvey.



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

**ATTEST:**



BRIAN S. LUDICKE, Planning Director  
City of Lancaster



## RESOLUTION NO. 15-23

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-15d

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-15d is approximately 83.215± gross acres and is designated as Parcel 2 of the proposed Tentative Administrative Parcel Map No. 73501; and

WHEREAS, CUP 14-15d would include solar photovoltaic panels and potentially switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological

resources; however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 83.215± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designations of UR (Urban Residential), C (Commercial), O (Open Space), and P (Public Use), as described in Sections 3, 4, and 5 of Development Agreement No. 89-01AM.
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the panels is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

6. The proposed site is adequately served:
  - a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-15d, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.


ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-23**  
**CONDITIONAL USE PERMIT NO. 14-15d**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

#### **MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust

control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist. The WEEP shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be



responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed

along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within ¼ mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
- Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
- If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
- Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.

27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

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If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.

29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be

- followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.
32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
  33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
  34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
  35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified

in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.

36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
  - Handled in a manner that is protective of human health and the environment.
  - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
  - Stored onsite no longer than allowed by federal and State law.
  - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

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45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.



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54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:
- Locations and duration of any public travel lane/roadway closures.
  - Placement of temporary signing and traffic control measures as required.
  - Ways to ensure access for emergency vehicles to the project site.
  - Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or

irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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

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

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

#### ENVIRONMENTAL

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

#### ALCOHOL CONDITIONS

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

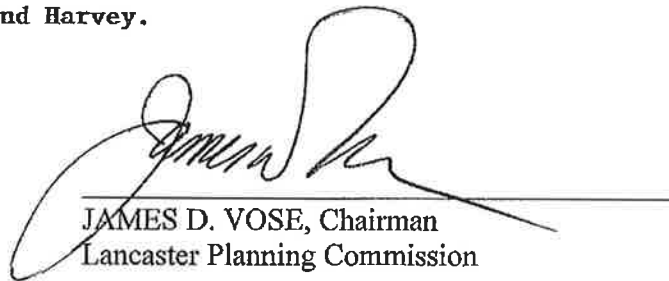
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Commissioners Burkey and Harvey.



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

**ATTEST:**



BRIAN S. LUDICKE, Planning Director  
City of Lancaster



## RESOLUTION NO. 15-24

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-15e

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-15e is approximately 1.176± gross acres and is designated as the remainder parcel of the proposed Tentative Administrative Parcel Map No. 73501; and

WHEREAS, CUP 14-15e would include the solar photovoltaic panels and switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological resources;

however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 1.176± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designations of UR (Urban Residential), C (Commercial), O (Open Space), and P (Public Use), as described in Sections 3, 4, and 5 of Development Agreement No. 89-01AM.
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

6. The proposed site is adequately served:
  - a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-15e, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:

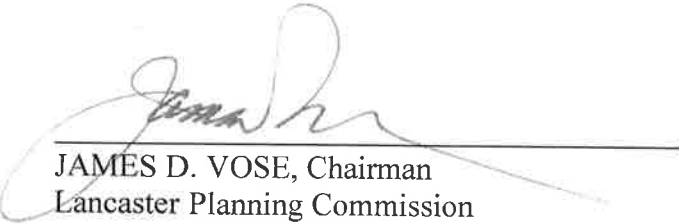
AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.


ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-24**  
**CONDITIONAL USE PERMIT NO. 14-15e**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

Conditions List

Attachment to PC Resolution No. 15-24

Conditional Use Permit No. 14-15e

September 21, 2015

Page 2

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

**MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust

control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist. The WEEP shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be



responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed

along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within ¼ mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
- Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
  - If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
  - Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.
27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.

29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be

- followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.
32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
  33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)” (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
  34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
  35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified

- in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.
36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
- Handled in a manner that is protective of human health and the environment.
  - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
  - Stored onsite no longer than allowed by federal and State law.
  - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.



Conditions List

Attachment to PC Resolution No. 15-24

Conditional Use Permit No. 14-15e

September 21, 2015

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54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:

- Locations and duration of any public travel lane/roadway closures.
- Placement of temporary signing and traffic control measures as required.
- Ways to ensure access for emergency vehicles to the project site.
- Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or

irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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

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

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

#### ENVIRONMENTAL

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

#### ALCOHOL CONDITIONS

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

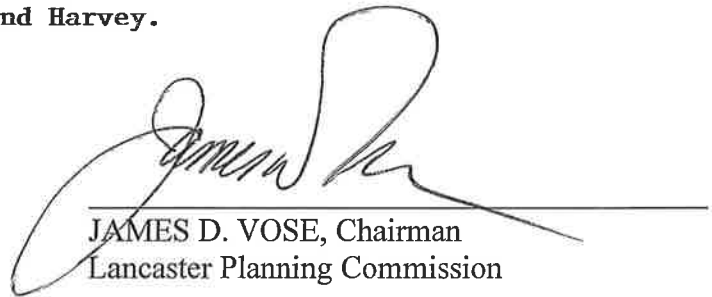
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director  
City of Lancaster



## RESOLUTION NO. 15-25

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-15f

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-15f is approximately 111.801± gross acres and is designated as Parcel 3 of the proposed Tentative Administrative Parcel Map No. 73501; and

WHEREAS, CUP 14-15f would include solar photovoltaic panels and potentially switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological

resources; however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 111.801± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designations of UR (Urban Residential), C (Commercial), O (Open Space), and P (Public Use), as described in Sections 3, 4, and 5 of Development Agreement No. 89-01AM.
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the panels is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

6. The proposed site is adequately served:
  - a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-15f, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:

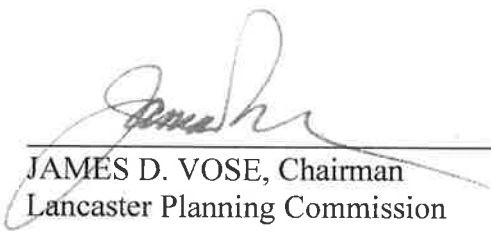
AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.


ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-25**  
**CONDITIONAL USE PERMIT NO. 14-15f**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

#### **MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust

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Conditional Use Permit No. 14-15f

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control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEED) shall be prepared and implemented by a qualified biologist. The WEED shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be



responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed

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along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within  $\frac{1}{4}$  mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
- Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
- If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
- Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.

27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

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If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.

29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be

- followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.
32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
  33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)” (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
  34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
  35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified

in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.

36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
  - Handled in a manner that is protective of human health and the environment.
  - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
  - Stored onsite no longer than allowed by federal and State law.
  - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.



Conditions List

Attachment to PC Resolution No. 15-25

Conditional Use Permit No. 14-15f

September 21, 2015

Page 14

54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:
- Locations and duration of any public travel lane/roadway closures.
  - Placement of temporary signing and traffic control measures as required.
  - Ways to ensure access for emergency vehicles to the project site.
  - Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or

irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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

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

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

#### ENVIRONMENTAL

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

#### ALCOHOL CONDITIONS

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

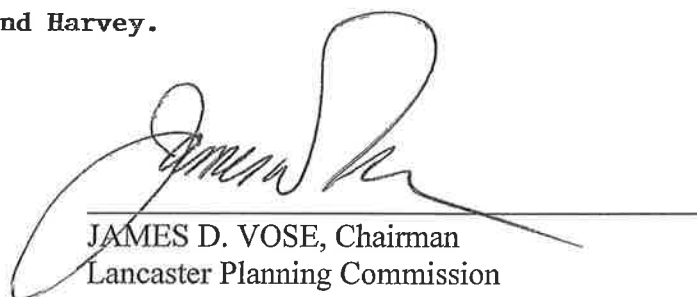
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director  
City of Lancaster



## RESOLUTION NO. 15-26

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-16a

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-16a is approximately 40± gross acres and is designated as Assessor Parcel Number 3265-007-002; and

WHEREAS, CUP 14-16a would include solar photovoltaic panels and potentially switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological

resources; however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 40± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designation of NU (Non-Urban Residential).
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the panels is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

6. The proposed site is adequately served:
  - a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-16a, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:

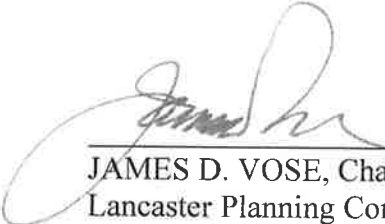
AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.


ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
\_\_\_\_\_  
JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

## RESOLUTION NO. 15-27

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-16b

WHEREAS, a conditional use permit has been requested by Sustainable Power (sPower) Group, LLC, to allow the construction and operation of a portion of a 100 megawatt (MW) photovoltaic solar electric generating facility on approximately 725± gross acres generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West in the Rural Residential 2.5 Zone as shown on the attached site plan; and

WHEREAS, the portion of the 100 MW project covered by CUP 14-16b is approximately 40± gross acres and is designated as Assessor Parcel Number 3265-007-008; and

WHEREAS, CUP 14-16b would include solar photovoltaic panels and potentially switch gear; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intent to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, this Commission hereby certifies that it has reviewed and considered the information in the Final Environmental Impact Report (EIR) prepared for the proposed project and certified under Planning Commission Resolution No. 15-19 in compliance with the California Environmental Quality Act (CEQA) and the State Guidelines for the Implementation of the California Environmental Quality Act prior to taking action; and

WHEREAS, this Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Final EIR prepared for the proposed project reflects the independent judgment of the City of Lancaster; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project could have a significant effect on the environment; however, there will not be a significant project-specific effect in this case with the implementation of mitigation measures as detailed in Exhibit "B" of the Planning Commission Resolution No. 15-19; and

WHEREAS, this Commission hereby finds that the Final EIR determined that the proposed project would result in a significant, unavoidable cumulative effect on the environment with respect to PM<sub>10</sub>, depending on the construction schedules of adjacent solar facilities, and biological

resources; however, the benefits of the proposed project outweigh these impacts as detailed in Exhibit "A" of the Planning Commission Resolution No. 15-19; and

WHEREAS, public notice was provided as required by law and a public hearing was held on September 21, 2015; and

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

1. The proposed use would be located on 40± gross acres of a 725± gross acre site generally bounded by Avenue G, Avenue H, 93<sup>rd</sup> Street West, and 107<sup>th</sup> Street West and will be in conformance with the General Plan land use designation of NU (Non-Urban Residential).
2. The proposed use would encompass a portion of a 100 MW photovoltaic solar electric generation facility with a conditional use permit, which is consistent with General Plan Policy 3.6.6 that states, "consider and promote the use of alternative energy such as wind energy and solar energy."
3. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be screened from the surrounding residential uses by landscaping and the panels and trackers are silent.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because City development standards will be met and any necessary parking is provided. The proposed panels are approximately 9 to 12 feet in height and would not exceed a maximum of 14 feet, which is under the maximum height regulations of the Rural Residential 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 water, drainage, and improvements will be part of the project.
4. The proposed use will not adversely affect nearby residents or school uses because the proposed use would be screened by landscaping, the maximum height of the panels is 14 feet, the panels and trackers do not create significant noise, and there is limited vehicle traffic that would occur once construction has been completed.
5. The proposed site is adequate in size and shape to accommodate the photovoltaic solar electric generation facility, landscaping, and other development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

6. The proposed site is adequately served:
  - a. By Avenue G, Avenue G-8, 90<sup>th</sup> Street West, and 110<sup>th</sup> Street West which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
  - b. By other public and private service facilities, including water, fire, and police services as required and necessary for photovoltaic solar facilities.
7. 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 Planning Commission Resolution No. 15-19.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby adopts by reference the findings contained in Exhibit "A" of the Planning Commission Resolution No. 15-19.
2. This Commission hereby adopts the Mitigation Monitoring Program contained in Exhibit "B" of the Planning Commission Resolution No. 15-19.
3. This Commission hereby approves Conditional Use Permit No. 14-16b, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>th</sup> day of September 2015, by the following vote:

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.


NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Coronado.

  
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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:  
  
\_\_\_\_\_  
BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-26**  
**CONDITIONAL USE PERMIT NO. 14-16a**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

#### **MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust



control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist. The WEEP shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be

responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed

along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within ¼ mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
- Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
- If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
- Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.

27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

Conditions List

Attachment to PC Resolution No. 15-26

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- If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.
29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
  30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
  31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be

- followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.
32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
  33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
  34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
  35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified



- in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.
36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
  37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
    - Handled in a manner that is protective of human health and the environment.
    - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
    - Stored onsite no longer than allowed by federal and State law.
    - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
  38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
  39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.

54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:
- Locations and duration of any public travel lane/roadway closures.
  - Placement of temporary signing and traffic control measures as required.
  - Ways to ensure access for emergency vehicles to the project site.
  - Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or

irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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



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

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

#### ENVIRONMENTAL

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

#### ALCOHOL CONDITIONS

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

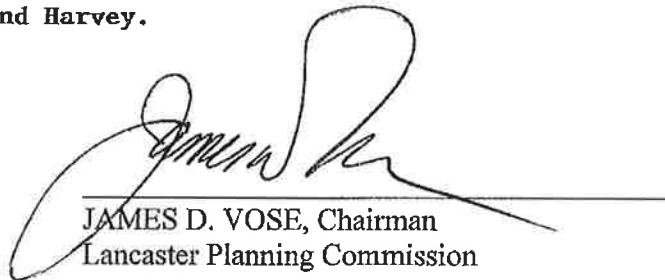
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Commissioners Burkey and Harvey.



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

**ATTEST:**



BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 15-27**  
**CONDITIONAL USE PERMIT NO. 14-16b**  
**CONDITIONS LIST**  
**September 21, 2015**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 4, 6, 7a, 7b, 7e, 10, 13, 14, 17 thru 19, 22, 24, 25, 27 thru 31, 42, 47, 48, and 49.
2. Applicant shall comply with the requirements of California Sales and Use Tax Regulation 1699, subpart (h), Regulation 1699.6 and Regulation 1802, subparts (c) and (d), respectively, and shall cooperate with the City regarding their direct and indirect purchases and leases to ensure compliance with the above sections, including, if necessary, the formation and use of buying companies, and the direct reporting of purchases of over \$500,000.
3. Per the direction of the Director of Development Services, no unscreened outdoor storage of any kind would be allowed on the site.
4. Per the direction of the Director of Development Services, barbed wire is acceptable on the top of the fence to provide site security, but not razor wire.
5. The applicant shall provide restroom facilities for use by maintenance staff.

**ADDITIONAL CONDITIONS**

6. Per the direction of the Director of Development Services, dedicate the following right-of-way for streets:
  - Avenue G at 50 feet from centerline
  - Avenue H at 50 feet from centerline
7. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the following streets:
  - 100<sup>th</sup> Street West from Avenue G to Avenue G-4 at 50 feet from centerline
  - 102<sup>nd</sup> Street West from Avenue G to Avenue G-4 at 32 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G to Avenue G-4 at 42 feet from centerline
  - 105<sup>th</sup> Street West from Avenue G-8 to Avenue G-12 at 42 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-4 to Avenue G-8 at 32 feet from centerline
  - 107<sup>th</sup> Street West from Avenue G-12 to Avenue H at 32 feet from centerline
  - Avenue G-4 from 100<sup>th</sup> Street West to 102<sup>nd</sup> Street West at 32 feet from centerline
  - Avenue G-4 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline

- Avenue G-8 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 42 feet from centerline
  - Avenue G-12 from 105<sup>th</sup> Street West to 107<sup>th</sup> Street West at 32 feet from centerline
8. Per the direction of the Director of Development Services, grant an irrevocable offer of dedication for the future 90-foot Master Planned Drainage channel located along Avenue H, the eastern boundary of the project site from Avenue G-8 to Avenue H, and along Avenue G-8 from the eastern property line to 90<sup>th</sup> Street West.
  9. Per the direction of the Director of Development Services, the applicant shall submit a study that shows that the location of the Master Plan of Drainage would function adequately to contain the anticipated flows. If necessary, the study shall indicate any necessary modifications to the proposed location.
  10. Per the direction of the Director of Development Services, the applicant shall pave any driveway that takes access from any of the paved streets.
  11. Per the direction of the Director of Development Services, the applicant shall install a 10-foot wide landscaped planter along the perimeter of the project site for screening purposes. The specific locations of the landscaping are depicted on the final site plan.
  12. Per the direction of the Director of Development Services, any public street surfaces damaged by construction traffic shall be restored to its pre-existing condition.
  13. The property owner shall immediately notify the City in writing upon the cessation of use of the solar power facility and shall ensure that all equipment and structures used as part of the solar power facility shall be removed within one hundred eighty days following the termination of its operation.
  14. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.

#### **MITIGATION MEASURES**

15. A dust control plan shall be prepared, submitted, and approved by the AVAQMD per Rule 403 requirements prior to initiation of proposed project construction and prior to initiation of project decommissioning. All proposed fugitive dust mitigation measures shall be designated so that visible dust emissions do not exceed 20 percent opacity. The ongoing compliance of these control measures shall be ensured by a qualified Construction Mitigation Manager (CMM). The CMM shall have the authority to require the implementation of additional dust

control measures if conditions warrant. The Dust Control Plan shall include the following measures or requirements, or others as allowed by Rule 403, where determined to be more appropriate:

- Vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - Track-out onto paved public roads shall be controlled using wheel washing system, wheel shaker/wheel spreading device, a washed gravel pad that is 30 feet wide and 50 feet long, or equivalent means.
  - Unpaved roads, active construction areas, storage piles, and other disturbed areas shall be watered or chemical/organic stabilizers/suppressants applied at a frequency necessary to limit visible dust emissions below 20 percent opacity.
  - Vegetation shall be maintained (mowed/cut/grazed) in areas that do not require removal of vegetation for fire prevention purposes, in order to prevent dust.
  - When wind speeds exceed 25 miles per hour the sources of visible dust emissions shall temporarily halt operations or additional control measures shall be applied to eliminate the visible dust emissions, and in the case of dust emissions from inactive disturbed areas during high winds additional watering or dust suppressants shall be applied to reduce the visible dust emissions.
  - Bulk material storage piles shall be covered, or stored in areas with wind barriers and water/dust suppressants applied to reduce dust emissions.
  - Bulk materials shall be transported in trucks with covers, or using a minimum freeboard of 12 inches.
  - Construction site signs meeting the number and other requirements of Rule 403 Appendix A shall be installed during project construction.
16. Off-road equipment with engines equal to or larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for two specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or (2) an off-road equipment item that will be used for a total of no more than 5 days.
17. Prior to any project activities on site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be prepared and implemented by a qualified biologist. The WEEP shall be submitted to the City of Lancaster for review and approval prior to issuance of construction permits, and implemented throughout the duration of the construction activities.
18. Best Management Practices (BMPs) shall be implemented as standard operating procedures during all ground disturbance and construction related activities to avoid or minimize project

impacts on biological resources. These BMPs shall include requirements to clearly delineate work areas; maintain vehicle speeds of 15 miles per hour in the work area; require appropriately sized culverts (determined in conjunction with a qualified biologist) at all constructed road crossings to allow for unrestricted wildlife movement; restrict disturbance to approved work areas; require vehicle maintenance and fueling to take place at least 50 feet from State waters unless located in a bermed containment area; perform daily cleanup of trash and excess construction debris; cap all pipes greater than 4-inches in diameter; report and remove any dead or injured wildlife; restrict work to daylight hours unless approved by the City; monitor construction activities; and prevent wildlife entrapment by covering excavations or constructing escape ramps in trenches.

19. To compensate for permanent impacts to California Poppy Fields and Cooper's boxthorn scrub, habitat that contains the same quality of sensitive vegetation communities impacted by the proposed project and that is not already public land shall be preserved and managed in perpetuity at 1:1 mitigation ratio. These lands shall be located within the Antelope Valley. This equates to a total of 71 acres. Prior to the disturbance of vegetation, the applicant shall obtain City of Lancaster approval of preserved and/or mitigation lands as well as documentation of a recorded conservation easement.
20. Prior to issuance of any construction-related permits, the applicant shall retain a qualified biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the proposed project for the purpose of invasive weed abatement. The WCP shall be submitted to the City of Lancaster for review and approval.
21. Prior to the commencement of ground disturbance or site mobilization activities, the applicant shall retain a qualified biologist to monitor project construction. Monitoring shall occur during initial ground disturbance for each phase of construction. Once initial ground disturbance is complete, monitoring shall occur periodically during all construction activities. The qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Any special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist to suitable habitat outside the impact area.
22. Prior to the issuance of a construction permit, the applicant shall retain a qualified biologist to prepare a Bird and Bat Monitoring and Avoidance Plan. This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature.

The plan will require monitoring the death and injury of birds and bats from collisions with facility features (i.e., solar modules). The study design shall be approved by the City of Lancaster. The Bird Monitoring Study shall include, at a minimum, detailed specifications on

data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches.

During construction and for three years following the beginning of the solar farm operation, the biologist shall submit quarterly reports to the City of Lancaster and CDFW describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring, the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provide recommendations (in consultation with the City of Lancaster) for future monitoring and any adaptive management actions needed. A copy of the annual report shall be provided to CDFW.

If any listed or fully protected species is found dead or injured, the applicant will notify the City of Lancaster, CDFW, and/or USFWS within 72 hours. The applicant, in coordination with the agencies, will evaluate whether additional adaptive management measures can be deployed in an attempt to reduce further collisions. These measures could include, but are not limited to, installing bird/bat flight diverters, altering project components that have been identified as key mortality features, or implementing other appropriate actions approved by the City of Lancaster and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

23. Prior to the issuance of any construction permits, the applicant shall retain a qualified biologist approved by the City of Lancaster to conduct pre-construction surveys for nesting birds within 500 feet (0.5 miles for Swainson's hawk) of all project components. Surveys for raptors shall be conducted for all areas from January 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the qualified biologist, with the approval of the City of Lancaster. Measures intended to exclude nesting birds shall not be implemented without prior approval by the City of Lancaster.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish a 300-foot buffer around the nest and no activities shall be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting Swainson's hawks are identified nesting within the project areas or within 0.5 miles of the construction areas, a 0.5-mile no activity buffer shall be implemented; no construction activity shall occur within a 0.5 mile buffer until the young have fledged.

The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be



responsible for documenting the results of the surveys, nest buffers implemented, and the results of ongoing monitoring and shall provide a copy of the monitoring reports for impact areas to the City.

If trees or existing structures with nests are to be removed as part of project-related construction activities, they shall be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal during the nesting season cannot be avoided, all trees and structures shall be inspected for active nests by the biologist. If nests are found within these structures and contain eggs or young no activities within a 300 foot buffer for nesting birds and/or a 500 foot buffer for raptors shall occur until the young have fledged the nest.

24. To compensate for the permanent loss of Swainson's hawk foraging habitat, private lands shall be preserved and managed in perpetuity at a 0.25:1 mitigation ratio. A total of 181.2 acres of compensatory mitigation is required.

Compensation lands shall be located within the Antelope Valley. An open space easement shall be recorded on all property associated with the compensation lands to protect the existing plant and wildlife resources in perpetuity. The open space easement shall be held by an approved conservation entity and shall be recorded immediately upon the dedication or acquisition of the land.

25. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2018 and for undisturbed areas in subsequent construction years, the applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar module footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a qualified plant ecologist/biologist (approved by the City of Lancaster) according to protocols established by the USFWS, CDFW, and CNPS. All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

Any populations of special-status plant species identified in the disturbance areas shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbances including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by the qualified plant ecologist or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the City of Lancaster. Highly visible flagging shall be placed

along the buffer area and remain in good working order during the duration of any construction activities in the area.

Where impacts to listed plants cannot be avoided, the USFWS and/or CDFW shall be consulted for authorization, as appropriate. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFW before impacts are authorized.

If non-listed CRPR 1, 2, 3, or 4 plants cannot be avoided, and project-related impacts result in the loss of 10 percent or more of the local population (i.e., occurrences within ¼ mile of the project impact location), compensatory mitigation shall be required.

To compensate for permanent impacts to special-status plants (including areas located beneath the arrays), habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside the main project site, or a combination of both) that is not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impact plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, and vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted.

Mitigation land and easement requirements will follow those identified in MM BR-3, and compensation lands acquired for special-status plants may be “nested” within other compensatory mitigation lands acquired for the project provided that habitat values and acreages are met for all resources being compensated, and the mitigation lands support the special-status plants impacted at the project site.

26. No more than 14 days prior to the commencement of initial ground disturbing activities for each phase of the proposed project, the applicant shall implement focused pre-construction surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by a qualified biologist(s), approved by the City of Lancaster. Surveys for burrowing owls shall be conducted in conformance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Surveys shall be completed within all areas proposed for ground disturbance. The following avoidance measures shall be implemented for all burrows identified during surveys:
  - Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls present on site after 1 February shall be assumed to be

nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

- Unless otherwise authorized by CDFW and the City, a 250-foot buffer, within which no activity will be permissible, shall be maintained between project activities and nesting burrowing owls. This protected area will remain in effect until 31 August or until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-foot burrow zone shall be maintained around the occupied burrow(s).
  - If there is any danger that owls will be injured or killed as a result of construction activity, the birds may be passively relocated but only during the non-breeding season; relocation shall require consultation and approval from CDFW prior to relocation activities. Relocation of owls during the non-breeding season will be performed by a qualified biologist in coordination with CDFW.
  - Any damaged or collapsed active burrowing owl burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.
27. No more than 15 days prior to grading near or the removal of trees or structures the applicant shall retain a qualified biologist to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active material roosts or hibernacula are found, the structure or tree occupied by the roost shall be avoided (i.e., not removed). If avoidance of the maternity roost is not feasible, the biologist shall survey for nearby alternative maternity colony sites. If the biologist determines in consultation with the City of Lancaster that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required, and it will not be necessary to provide alternate roosting habitat.

28. No more than 30 days prior to initiation of construction activities (i.e., mobilization, staging, grading, or construction), the applicant shall retain a qualified biologist to conduct pre-construction surveys for American badger and desert kit fox. Surveys shall be conducted in areas that contain habitat for these species and shall include all disturbance areas and access roads plus a 300-foot buffer surrounding these areas. The applicant shall submit documentation providing pre-construction survey results to the City. If dens are detected, each den shall be classified as inactive, potentially active, active non-natal, or active natal. Active dens shall be flagged and project activities within 200 feet (non-natal dens) or 500 feet (natal dens) shall be avoided. Buffers may be modified by the qualified biologist, in coordination with CDFW and with notification to the City. Active natal dens (any den with cubs or pups) shall not be excavated or passively relocated. The cub or pup rearing season is generally from January 15 through mid-September.

If canine distemper is reported in desert kit fox on the site or surrounding areas, the applicant shall coordinate with the City and CDFW to identify appropriate actions prior to continuing implementation of this mitigation measure in respect to desert kit fox. Any observations of a kit fox that appears sick or any kit fox mortality shall be reported to the City and CDFW within one work day.

29. All impacts to sites identified in the cultural resources survey shall be avoided and protected to the extent feasible. Wherever equipment must be placed or accessed within 50 feet of a recorded, reported, or known archaeological site eligible or potentially eligible for the CRHR, the site will be flagged on the ground as an Environmentally Sensitive Area (ESA) (without disclosure of the exact nature of the environmental sensitivity [i.e., the ESA is not identified as an archaeological site]). Construction equipment shall then be directed away from the ESA, and construction personnel shall be directed not to enter the ESA. If avoidance is not feasible, a cultural resources treatment plan shall be developed as described in MM CR-2.
30. A qualified professional archaeologist shall serve as project archaeologist. The project archaeologist shall monitor all construction activities within 500 feet of identified prehistoric cultural resources. The project archaeologist shall also be present to monitor construction-related activities approximately 25 percent of the time. A copy of the contract with the archaeologist shall be submitted to the City prior to the issuance of construction-related permits. Additionally, the applicant shall enter into an agreement with the Fernandeno Tataviam Band of Mission Indians and the San Manuel Band of Mission Indians to allow a Native American monitor on the project site at any time during construction activities. A copy of the agreement shall be submitted to the City prior to the issuance of construction related permits. If previously unidentified cultural resources are unearthed during construction of the proposed project, construction work in the immediate area of the find shall be halted and directed away from the discovery until the project archaeologist assesses the significance of the resource. The project archaeologist shall make the necessary plans to evaluate the find for CRHR-eligibility and for the assessment and mitigation of impacts if the find is found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The applicant shall develop a Cultural Resources Treatment Plan (CRTP) for all known and newly discovered cultural resources within the project API in consultation with the City and Native American representatives (if a prehistoric site). Implementation of the CRTP shall ensure that known and recorded cultural resources will be avoided during construction. Specific protective measures shall be defined in the CRTP to reduce the potential adverse impacts on any presently undetected cultural resources to less than significant levels.
31. Prior to the initiation of construction or ground-disturbing activities, all construction personnel shall be trained, by a qualified archaeologist, regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources, and protection of all archaeological and paleontological resources during construction. Training shall inform all construction personnel of the procedures to be

- followed upon the discovery of cultural or paleontological materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law and unauthorized collection or disturbance of fossils is prohibited. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend training so that they are aware of the potential for inadvertently exposing buried archaeological deposits or fossils. A record of all trained personnel shall be kept on file by the applicant and provided to the City upon request.
32. All project-related ground disturbances that could potentially affect Pleistocene deposits at depths of greater than 5 feet shall be spot-checked by a qualified paleontologist to ensure that underlying sensitive sediments are not be impacted. Should fossils be encountered, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples will be collected and submitted for analysis from each locality. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.
  33. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the Los Angeles County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Los Angeles County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the "most likely descendant(s)" (MLD). The landowner shall engage in consultations with the MLD and the MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. By law, if the landowner and MLD do not agree, the remains are required to be reburied on the property where discovered.
  34. Design and construction of all metal components in the proposed project that will come in contact with corrosive soils shall include corrosion protection measures identified in the geotechnical report. The specific design measures to be utilized shall be provided to the City for review prior to project construction.
  35. Prior to the start of construction, the applicant shall prepare a project-specific SWPPP. Implementation of this plan can reduce the likelihood of spills through implementation of several measures including: proper storage and handling procedures, standard hazardous waste transport, project-specific training for personnel, procedures for fueling and maintaining construction equipment, and an emergency response program to ensure quick and safe cleanup of accidental spills. The measures provided in the SWPPP would reduce the potential for spills to occur through implementation of protocols for storage, transport, and handling of hazardous materials on site for the proposed construction activities. In addition, any hazardous waste generated on site would be managed according to procedures specified

Conditions List

Attachment to PC Resolution No. 15-27

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- in the Plan that address California requirements outlined for storing, labeling and transporting the material. Fueling and maintenance of equipment would be performed according to written procedures prepared prior to any construction activities. Refueling stations would be located in designated areas to guard against accidental spills, and equipment would be inspected daily for any potential leakage.
36. Prior to the start of construction, the applicant shall prepare a project-specific Emergency Response Plan in the event of an accidental spill. Such a plan would enable workers to respond to any potential release of hazardous materials and ensure quick and safe cleanup. Implementation of the Emergency Response Plan would reduce the potential for contamination and exposure of workers or the public to hazardous materials in the event of an accidental spill by providing various measures to ensure that any spilled material and any resulting surficial contaminated soil was quickly cleaned up and disposed of properly.
37. The applicant shall be required to dispose of panels or recycle panels in accordance with current local, State, and federal regulations. Broken and end of project life PV modules shall be:
- Handled in a manner that is protective of human health and the environment.
  - Stored onsite in a manner that complies with federal and State law until recycling or disposal actions can be taken.
  - Stored onsite no longer than allowed by federal and State law.
  - All end-of-life solar modules, materials and components will be recycled in accordance with federal and State law applicable at that time.
38. Prior to the start of construction, the applicant shall prepare a Soil Management Plan that outlines procedures to verify the presence of the former USTs by methods such as probing, excavation, or ground penetrating radar, and subsequent removal in accordance with Los Angeles County Department of Public Works permit requirements. The Soil Management Plan shall also outline the procedures to identify and dispose of potentially contaminated soil at the former USTs and dispensers, identify the qualifications of the appropriately trained professionals to monitor soil conditions, conduct soil sampling, coordinate laboratory testing, oversee soil excavation and disposal, determine the anticipated field screening methods, and appropriate regulatory limits. The Soil Management Plan would include requirements for documentation and reporting of incidents of encountered contaminants, such as documenting and reporting actions taken to remediate contaminated materials to the City of Lancaster and Los Angeles County CUPA. Alternatively, a record research that provides documentation of the previous removal of the tanks under permit and verification by the appropriate oversight agency will also provide the required mitigation.
39. The applicant shall prepare a SWPPP for the proposed project. The project SWPPP shall include a comprehensive suite of Best Management Practices (BMPs) to minimize and

control stormwater runoff, erosion, and the mobilization of other potential contaminants. Implementation of this SWPPP may be used, at the discretion of the Lahontan RWQCB, to fulfill in whole or in part the requirements of any applicable Waste Discharge Requirements (WDRs). The SWPPP shall include construction site planning and management, including the preparation of a grading plan that minimizes the alteration of the natural drainage pattern and preserves to the maximum extent feasible the natural flow of water across the project site. Natural vegetation shall be preserved to the maximum extent feasible. Runoff, erosion, and sediment control measures shall be implemented to prevent and minimize project-related erosion. These measures shall include, as appropriate, one or more of the following: chemical stabilization, compost blankets, dust control, geotextiles, gradient terraces, riprap, seeding with native vegetation, soil retention, soil roughening, temporary slope drains, temporary stream crossings, temporary diversion dikes, filter berms, compost filter socks, fiber rolls, sediment basins, sediment traps, straw or hay bales, and vegetated buffers. The SWPPP shall include good housekeeping and materials management measures. These measures shall include, as appropriate, properly designed concrete washout areas and vehicle maintenance and washing areas, as well as general construction site waste management measures. The SWPPP shall include the requirements specified in MM HAZ-1. A monitoring program shall be implemented to ensure that the BMPs described in the SWPPP are implemented, regularly inspected (at least annually and following every storm event that produces more than 3 inches of precipitation), and properly maintained during all construction, operations, and maintenance activities.

40. The applicant and/or its contractor shall coordinate with the Westside Unified School District and Del Sur Elementary School to schedule noise generating construction activities that are anticipated to result in noise levels greater than 75 dBA, and are planned to occur within 500 feet of Del Sur Elementary School, such that they would be the least disruptive to the school's operations which occur between 7:45 a.m. and 2:00 p.m.
41. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition and appropriate for the equipment that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welder, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
42. Limit unnecessary idling of construction equipment.
43. Electric-powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
44. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be limited to safety warning purposes only.

45. No project-related public address system or music system shall be audible at any adjacent receptor.
46. Material and equipment staging, parking, and maintenance areas shall be located as far as practicable from residences and the Del Sur Elementary School.
47. Inform property owners within 0.5 mile of the project boundary of anticipated noise disturbances at least two to four weeks prior to construction, including a contact number to register noise complaints.
48. Provide a project hotline where residents can call with questions or issues. All calls shall be returned by the applicant and/or its contractor within 24 hours to answer noise questions and handle complaints. Documentation of the complaint and resolution shall be submitted to the City monthly. A clear appeal process with the City shall be established prior to construction commencement that allows for resolution of noise problems that cannot be immediately solved.
49. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences and schools. The project site shall be accessed via West Avenue G.
50. Actively pursue and implement measures to reduce project-related automobile trip generation, such as ride-share and carpooling programs.
51. During operations, panel washing activities shall be limited to the hours of 8:00 a.m. to 5 p.m. when occurring within 325 feet of an occupied residence to ensure noise levels of 65 dBA or less are maintained.
52. The applicant shall coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. The Sheriff's department, fire department, ambulance services, and paramedic services shall be notified in advance by the applicant of the proposed locations, nature, timing, and duration of any construction, major repair, and decommissioning activities, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Traffic control/detour plans shall include details regarding coordination procedures with emergency service providers and copies of the plans shall be provided to all relevant service providers. Documentation of coordination with emergency service providers shall be provided to the City of Lancaster prior to the start of construction.
53. During construction, material deliveries and other truck trips should be scheduled outside of peak periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) to the extent feasible.



54. In the event the Western or Eastern Route is selected for gen-tie construction, prior to the issuance of grading or building permits by the City of Lancaster, the project applicant shall prepare and submit a Traffic Control Plan to the City of Lancaster for review and approval. The plan shall include detailed information on the following:
- Locations and duration of any public travel lane/roadway closures.
  - Placement of temporary signing and traffic control measures as required.
  - Ways to ensure access for emergency vehicles to the project site.
  - Ways to maintain access to adjacent property.

## RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

3. All requirements of the Municipal Code and of the specific zoning of subject property must be complied with unless otherwise set forth in the permit or shown on the approved plot plan.
4. The Planning Director is authorized to review and approve the elevations of future buildings proposed to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such buildings are subject to review and approval of the Planning Director, including but not limited to architectural style, color, exterior materials, material and type of walls. The applicant shall provide 360 degree architectural treatments for all proposed buildings. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the buildings, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
5. The applicant shall contact the City of Lancaster Fire Warden to determine improvements that may be required to protect the property from the fire hazard and shall provide and install at his expense such improvements as may be deemed necessary by the Fire Warden. Fire protection improvements shall be completed to the satisfaction of the Director of Public Works prior to certification of completion and occupancy of the subject buildings.
6. Three (3) copies of a signage plan shall be submitted for approval by the Planning Director at the time of building plan issuance to be in compliance with the Municipal Code and Design Guidelines. Such plan shall be comprehensive and shall include: location, height, square-footage, method of attachment, construction materials, and colors of each sign proposed to be placed on the site.
7. The following items/plans shall be submitted to the Department of Public Works, which shall route them to the Planning Department for concurrent review and approval prior to issuance of permits:
  - a. Lighting Plan: Such plan shall include decorative, directional, and security lighting. Such lighting shall be directed away or shielded from neighboring properties.
  - b. Building Plan: Such plan shall demonstrate adherence to design elements approved by the Planning Commission including but not limited to: building elevations (all sides), construction materials and colors, and the method of screening rooftop equipment.
  - c. Grading Plan: Such plan shall show height of finished building pads in addition to walls, berming and/or contour mounding if such features are approved by the Planning Commission.
  - d. Landscape Plan: Landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Building and Safety Department, along with required plan check fees, for review and approval prior to the installation of landscaping or

irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees and irrigation facilities

- e. Trash Enclosure Plan: Such plan shall show location, design, construction materials, and color of materials and shall be in accordance with such plans contained within the Municipal Code and Design Guidelines. All trash enclosures shall be located in a covered area or the covered with a roof or metal lattice treatment to prevent wind-blown trash from leaving the enclosure.
8. The development shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
9. All necessary permits shall be obtained from the City Engineering Division of the Public Works Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. The applicant is hereby advised that this project is subject to development fees at the time of building permit issuance, including, but not limited to, the following as applicable: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Installation or Upgrade of Traffic Signals Fee; 4) Planned Local Drainage Facilities Fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; and 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc); 8) Landscape Fee.
11. Per the direction of the Director of Public Works, the submission of a hydrology study will be required with the grading plan check.
12. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
13. Per the direction of the Director of Public Works, construct ADA “walk arounds” at driveway locations to the specifications of the Director of Public Works and install ADA curb ramps at all intersection.
14. Per the direction of the Director of Public Works, all street lighting systems designed after July 1, 2007, shall be designed as City owned and maintained street lighting systems. The Developer’s engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
15. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
16. Per direction of the Director of Public Works, comply with City Municipal Code, Chapter 13.20 Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities.

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

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

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

#### ENVIRONMENTAL

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

#### ALCOHOL CONDITIONS

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

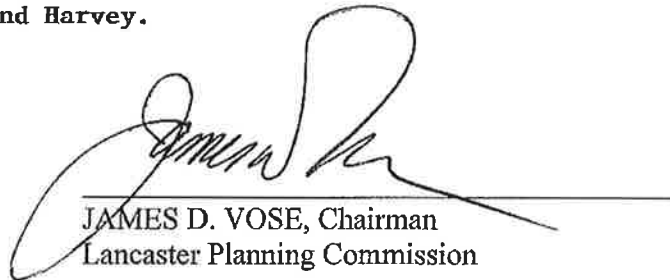
PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of May, 2010, by the following vote:

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

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Commissioners Burkey and Harvey.



JAMES D. VOSE, Chairman  
Lancaster Planning Commission

**ATTEST:**



BRIAN S. LUDICKE, Planning Director  
City of Lancaster