

RESOLUTION NO. 16-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION BY DENYING THE APPEAL AND APPROVING A ONE-YEAR EXTENSION TO JANUARY 16, 2017, FOR VESTING TENTATIVE TRACT MAP NO. 60291

WHEREAS, a vesting tentative subdivision map for the division of 20± gross acres of land into 66 single family lots located on the south side of Avenue K-4, approximately 325 feet west of 35th Street West was approved by the City on January 16, 2007; and

WHEREAS, a request for a one-year extension for said map was filed and approved by the Planning Commission on January 25, 2016; and

WHEREAS, staff has conducted necessary investigations to assure the proposed extension of land would be consistent with the City's Subdivision Ordinance and the State Subdivision Map Act; and

WHEREAS, public notice was provided as required by law, and a public hearing was held on April 26, 2016; and

WHEREAS, this City Council, based upon all evidence in the record, hereby adopts the following findings in support of the extension of this map:

1. The approval of the extension, as conditioned for revision, is consistent with the goals, objectives, policies, action program, and land use designation of UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) of the adopted General Plan and is applicable to the subject property because it will provide 66 single-family homes at a density of development consistent with the land use designation.
2. The findings justifying the original approval of the tentative map on January 16, 2007, remain valid, with the condition for revision to meet the City's current development policies, standards and guidelines.
3. The approval of the extension, with the condition for revision, will allow for development of a project that is of benefit to the public health, safety, and welfare through completion of vital infrastructure or public improvements, including all interior streets.
4. The granting of the extension is necessary to allow sufficient time for the applicant to prepare a final map and improvement plans.
5. There is no substantial change in the land use or development patterns in the vicinity of the tentative map that would cause detriment to the public health, safety, or welfare should the extension be granted, because the property has both the same or compatible land use and zoning as surrounding properties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER:

This City Council hereby denies the appeal and upholds the Planning Commission decision granting an extension for Vesting Tentative Tract Map No. 60291 to January 16, 2017.

PASSED, APPROVED and ADOPTED this 26th day of April, 2016, 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

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. 16-16, 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)

PLANNING COMMISSION ACTION:

APPROVED (4-2-0-0) (NOES: Coronado and Harvey)

AGENDA ITEM:

3.d.

DATE:

01-25-16

STAFF REPORT

**VESTING TENTATIVE TRACT MAP NO. 60291
REQUEST FOR EXTENSION**

DATE: January 25, 2016

TO: Lancaster Planning Commission

FROM: Planning Section, Community Development Division
Development Services Department *CN for BL*

APPLICANT: Royal Investors Group, LLC

LOCATION: 20± gross acres located on the south side of Avenue K-4, approximately 325 feet west of 35th Street West

REQUEST: A subdivision for 66 single-family lots in the R-10,000 Zone

RECOMMENDATION: Grant a one-year extension to January 16, 2017, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-89.

BACKGROUND AND STATUS: The General Plan land use designation for this location is UR (Urban Residential, 2.1 to 6.5 dwelling units per acre), is zoned R-10,000 (Single-family residential, minimum lot size 10,000 square feet), and is currently vacant. On November 20, 2006, the Planning Commission approved Vesting Tentative Tract Map No. 60291 for two years and certified the Final Environmental Impact Report. On January 16, 2007, the City Council denied an appeal and upheld the Planning Commission decision. Since 2008, the State of California granted four automatic time extensions, with the passing of SB 1185 in 2008, AB 333 in 2009, AB 208 in 2011, and AB 116 in 2013, which carried the expiration of this map to January 16, 2016. The State of California has since passed AB 1303, which grants a time extension within specific qualifying criteria; however, the project site is located in Los Angeles County and does not qualify for the state extension. As a result, the applicant is requesting a one-year extension; which will be the first of three available extensions for this map. The applicant states that the completion of final improvement plans will require additional time.

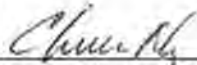
ANALYSIS: Since the time of the map's original approval in 2007, the City has adopted standards and regulations to improve the quality of development in the City, as reflected in the City's General Plan, Design Guidelines, Master Plan of Trails and Bikeways, revised Residential Zones, and other efforts. In review of Vesting Tentative Tract Map No. 60291, staff is recommending revised conditions to meet current development policies, standards, and guidelines, including various traffic calming improvements within the street design of this map; including, but not limited to, curb

extensions or other measures as approved by the City Engineer, in an effort to reduce vehicular speeds and improve pedestrian safety within the subdivision.

FINDINGS:

1. The approval of the extension, as conditioned for revision, is consistent with the goals, objectives, policies, action program, and land use designation of UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) of the adopted General Plan and is applicable to the subject property because it will provide 66 single-family homes at a density of development consistent with the land use designation.
2. The findings justifying the original approval of the tentative map on January 16, 2007, remain valid, with the condition for revision to meet the City's current development policies, standards and guidelines.
3. The approval of the extension, with the condition for revision, will allow for development of a project that is of benefit to the public health, safety, and welfare through completion of vital infrastructure or public improvements, including all interior streets.
4. The granting of the extension is necessary to allow sufficient time for the applicant to prepare a final map and improvement plans.
5. There is no substantial change in the land use or development patterns in the vicinity of the tentative map that would cause detriment to the public health, safety, or welfare should the extension be granted, because the property has both the same or compatible land use and zoning as surrounding properties.

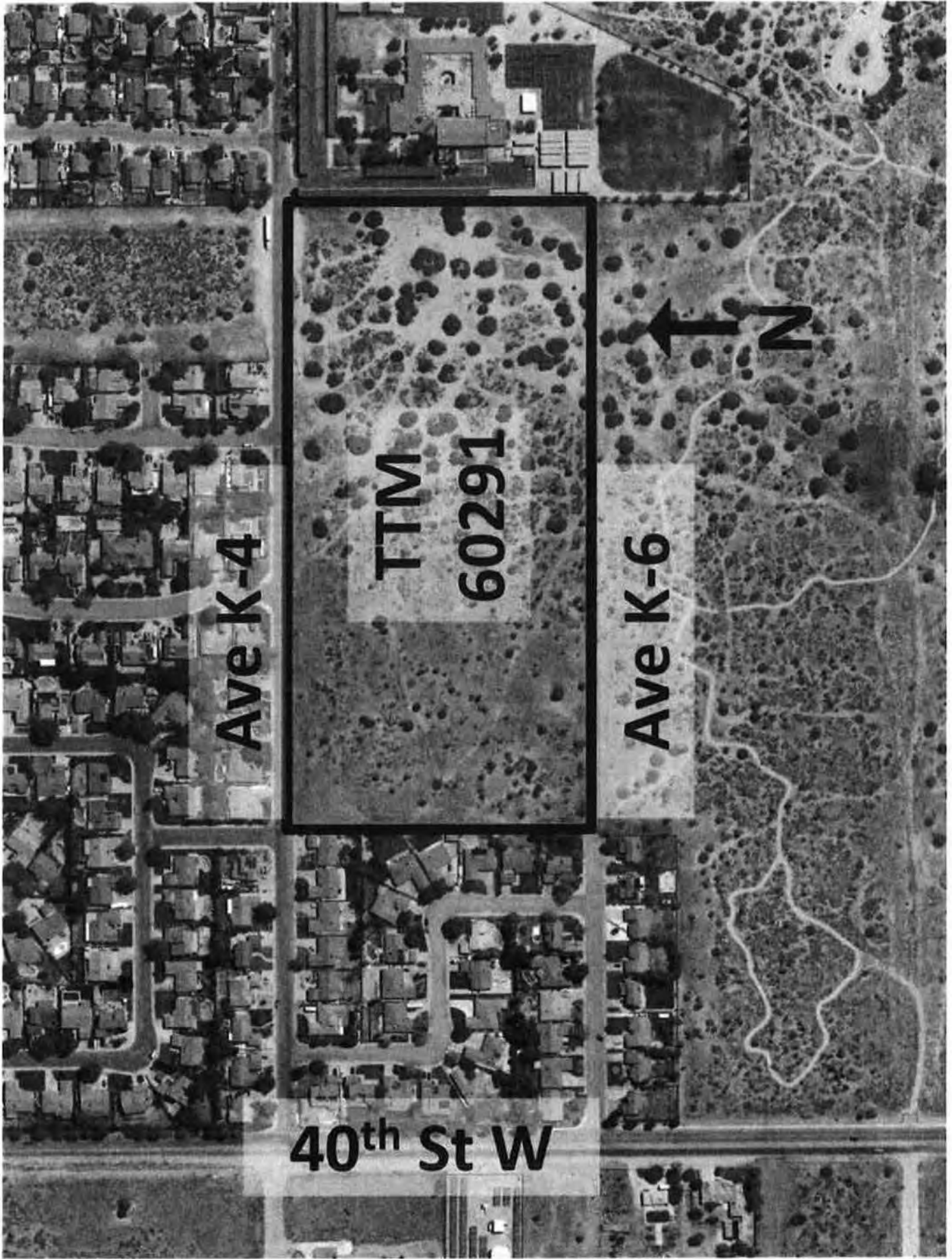
Respectfully submitted,



Chuen Ng, Principal Planner

cc: Applicant
Engineer

Attachments: Applicant's Findings
City Council Staff Report for January 16, 2007
Planning Commission Staff Report for November 20, 2006



Ave K-4

TTM
60291

Ave K-6

40th St W



**ATTACHMENT TO PC RESOLUTION NO. 06-89
VESTING TENTATIVE TRACT MAP NO. 60291
CONDITIONS LIST (REVISED)
January 25, 2016**

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 10-25 shall apply, except Condition No. 44 (Modified).

STREETS

2. Per direction of the Development Services Director, improve and offer for dedication:
 - Avenue K-4 at 30 feet south of centerline
 - "A" Street (north of "E" Street), "E" Street, and "D" Street (north of "E" Street) at a 60-foot right-of-way
 - "A" Street (south of "E" Street), "B" Street, "C" Street, and "D" Street (south of "E" Street) at 58-foot right-of-way
3. Per direction of the Development Services Director, complete street improvements at the end of Avenue K-6, adjacent to Lot No. 8.
4. Per direction of the Development Services Director, the sidewalks within the tract shall be separated from the curb with a landscaped parkway.
5. Per direction of the Development Services Director, install dual ADA-compliant curb ramps at all intersections (Modified Condition No. 44).
6. Per direction of the Development Services Director, design and install traffic calming features throughout the tract as approved by the City Engineer.

DRAINAGE

7. Per direction of the Development Services Director, construct a 20-foot-wide drainage easement along the south property line along the width of the property.
8. Per direction of the Development Services Director and City Engineer, provide a cross-section of the decorative rock or treatment in the easements between Lot Nos. 8 and 9, 22 and 23, and 30 and 31.

WATER AND SEWER

9. In order to obtain a conditional will-serve letter, the Project applicant must secure permanent water supply entitlements sufficient to meet the Project's annual water demands as determined by the Los Angeles County Waterworks District 40 (District). This entitlement may be secured through entering an agreement with the District to purchase new State Water Project Table A or other permanent water supply through the Antelope Valley-East Kern Water Agency.

10. In addition to the condition above, the District may require that: (1) various charges/fees be paid by the owner/developer of the property; (2) on-site and off-site water system facilities be installed by a State licensed contractor retained by the owner/developer, and inspected and accepted by the District, using plans prepared by a licensed engineer that are reviewed by the District; or (3) a combination of (1) and (2). Once constructed to the satisfaction of the District, the water system facilities are to be dedicated gratis to the District for subsequent operation and maintenance.

OTHER

11. Prior to, or concurrently with approval of the final map, the subdivider shall provide documentation to the City Engineer and the Planning Section showing that the easement (items 12, 16, 20 of First American Title dated October 9, 2003) has been abandoned by the easement holders and that there are not restrictions that would prevent the development of those lots.
12. Per direction of the Development Services Director, the applicant shall work with the residences as applicable, to replace the perimeter wall along the west property line adjacent to Lot Nos. 1 to 8.
13. Per direction of the Development Services Director, at the time of building issuance, the applicant shall construct one-story houses adjacent to the west property line (Lot Nos. 1 to 7).
14. Per direction of the Development Services Director, all construction traffic shall be entered from the intersection of Avenue K and 40th Street West, and shall not pass in front of Nancy Cory School.
15. This project shall comply with the mitigation measures as adopted in the mitigation monitoring plan under Planning Commission Resolution No. 06-89.

RESOLUTION NO. 10-25

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LANCASTER, CALIFORNIA, ADOPTING
CERTAIN STANDARDIZED CONDITIONS OF APPROVAL
FOR TENTATIVE TRACT MAPS**

WHEREAS, the Planning Department staff presented to the Planning Commission a list of seventy-seven (77) conditions which are applied to Tentative Tract Maps when they are approved by said Commission; and

WHEREAS, the staff explained to the Commission that since these are standard conditions for almost all tentative maps, it might be more appropriate to adopt them by resolution for reference purposes as it would save 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 tentative maps 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 Tentative Tract Maps;

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 Tentative Tract Map approvals.

GENERAL/ADVISORY

1. The approval of this tentative map shall expire 24 months from the date of conditional approval. The subdivider may file for three one-year extensions of the conditionally approved map prior to the date of expiration for a period of time not to exceed one year. If such extension is requested, it must be filed no later than 60 days prior to expiration.
2. 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.
3. 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 Fee; 7) Urban Structure Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc.); and 8) Landscape fee.

4. Comply with all requirements of the Municipal Code and of the specific zoning of the subject property.
5. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
6. Submit a soils report on the properties of soils as detailed in Chapter 18 of the latest edition of the California Building Code and as required by the Public Works Department on all building sites in the proposed subdivision.
7. If the map is to be recorded in phases, the subdivider shall submit a phasing plan to the Planning Department for approval thirty (30) days prior to filing the final map of the first phase.
8. 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.
9. An encroachment permit shall be obtained from the Department of Public Works prior to doing any work within the public right-of-way.
10. The subdivider, by agreement with the Director of Public Works, may guarantee installation of improvements as determined by the Director of Public Works through faithful performance bonds, letters of credit or any other acceptable means.
11. The applicant is advised that details shown on the tentative map are not necessarily approved. Any details which are inconsistent with requirements of ordinances, general conditions of approval, or City policies must be specifically approved.
12. All offers of dedication shall be noted by certificate on the face of the final map.
13. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets or highways, access rights, building restriction rights, or other easements until after the final map or Grant of Waiver/Certificate of Compliance is filed with the County Recorder unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
14. Provide letter(s) of slope easement(s) as directed by the Director of Public Works.
15. For subdivisions, the subdivider shall be required to install distribution lines and individual service lines for community antenna television service (CATV) for all new development.

16. The applicant is advised model homes will only be open for inspection by the public after adequate off-street parking is provided, or after the adjoining street improvements have been completed.
17. The applicant is hereby advised that the use of any signs, strings of 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.
18. The subdivider 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 subdivision, which action is brought within the time period provided for in Section 66499.37 of the Subdivision Map Act. The City shall promptly notify the subdivider 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 subdivider or fails to cooperate fully in the defense.
19. The Planning Director is authorized to review and approve the elevations of future individual houses proposed within the Tract to ensure that they are compatible with the architectural design guidelines established for the overall development. Design and location of such houses 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 houses. In the event disputes arise between the applicant and the Planning Director regarding elevations, or design of the houses, the matter may be appealed to the Architectural and Design Commission (ADC) and the ADC shall render the final decision.
20. The applicant shall submit a Director's Review application for review and approval of elevations to the Planning Department (30) days prior to issuance of building permits.

STREETS

21. Per the direction of the Director of Public Works, the applicant shall pay traffic impact fees as adopted by City Council (Ordinance 852) to be used for the improvement of off-site streets within the unincorporated areas of Los Angeles County that would be affected by traffic generated by the project (Avenue J-8, Avenue L-8, 40th Street West, and 100th Street West).
22. Prior to grading, the applicant shall provide a 24-hour, 7 days a week, contact name and valid phone number to report the blowing of dust and debris from the site.
23. 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 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

residential projects of 10 acres and larger and for commercial/industrial projects of 5 acres and larger. In lieu of an approved plan, a letter waiving this requirement shall be submitted.

24. Per the direction of the Director of Public Works, street improvements include pavement, curb, gutter, sidewalk, street lights, undergrounding of utilities, etc. The applicant is to reconstruct the street to centerline if the existing pavement section does not meet the Department of Public Works required structural section. Additional pavement as required to transition to existing pavement, or as needed to provide additional turn lanes opposing new improvements, shall also be included in street plans.
25. 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 (Ordinance No. 361).
26. Per the direction of the Director of Public Works, the Developer shall install 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 Division.
27. Place above ground utilities including, but not limited to, fire hydrants, junction boxes, and street lights outside sidewalk on local and collector streets.
28. Street grades shall meet the specifications of the Department of Public Works.
29. 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 to the street centerline may be necessary to meet the required structural section.
30. 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.
31. Construct local and collector streets to the requirements of the Design Guidelines and Municipal Code.
32. Design local residential streets to have a minimum curve length of 100 feet. The length of the curve outside of the BCR is used to satisfy the 100-foot minimum length requirement. A minimum 50-foot tangent is required between two curves. No residential street shall have a centerline radius less than 200 feet. The minimum centerline radius on a residential street with an intersecting residential street on the concave side should comply with minimum design speed sight distances per the current City guidelines.

33. Local street(s) shall be aligned such that the central angles of the right-of-way radius returns do not differ by more than 10 degrees.
34. Align the centerlines of all local streets without creating jogs of less than 150 feet when intersecting a street with a 64-foot right-of-way or less, except that a 1-foot jog may be used where a street changes width from standard 60-foot to standard 58-foot right-of-way.
35. Provide at least 40 feet of frontage at the property line and approximately radial lot lines for all lots fronting on the cul-de-sacs or knuckles.
36. Dedicate the right to restrict direct vehicular access along regional, primary and secondary arterials, in accordance with City policy.
37. Per the direction of the Director of Public Works, a secondary access is required when development reaches 700 feet in urban areas or 1,000 feet in rural areas.
38. Street lights are required per adopted City ordinance or policy.
39. 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 (LS-3 rate schedule). 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.
40. Prior to recordation of the final map, the property shall be annexed into the Lancaster Lighting Maintenance District.
41. In subdivision, mailboxes and posts shall be installed per City standards. Secure approval of U.S. Postal Service prior to installation.
42. Label private streets as "Private Drives and Fire Lanes" on the final map.
43. 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.
44. 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.
45. Final map design shall be coordinated with the Antelope Valley Transportation Authority (AVTA) for ADA-compliant sidewalks of sufficient width to accommodate ADA-compliant bus benches and shelters.

DRAINAGE

46. Submittal of an overall drainage plan/hydrology study which shows the surface flow, nuisance water, and mitigation plan is required prior to submittal of final map.
47. A hydrology study shall be submitted and approved prior to the filing of the final map. The hydrology study shall verify, among other things, that the proposed streets and existing downstream streets are able to carry, top of curb to top of curb, the anticipated flow through the subdivision, and/or that potential drainage problems will be mitigated through the installation of drainage structures such as culverts, storm drains, or other improvements.
48. Portions of the property may be subject to sheet overflow and ponding. Per the direction of the Director of Public Works, install any local storm drains necessary to mitigate on-site and off-site drainage.
49. Mitigate onsite nuisance water and developmental storm water runoff to the satisfaction of the Director of Public Works.
50. Provide for contributory drainage from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
51. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
52. 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.
53. Place note of flood hazard on the final map and dedicate right to restrict buildings or structures in flood hazard area, if applicable.
54. 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 street above ground. (No cross gutters allowed.)
55. Per the direction of the Director of Public Works, all drainage facilities are to be constructed and approved prior to occupancy of any dwelling within the project. If the project is phased, all drainage facilities required for each phase will be constructed and approved prior to occupancy of any dwelling within that phase.
56. Prior to recordation of the final map, the property shall be annexed into the Lancaster Drainage Maintenance District.

57. Per the direction of the Director of Public Works, streets shall be designed to avoid creating sump conditions. If a sump condition is unavoidable, a redundant catch basin system shall be installed. Secondary overland overflow shall not be allowed.

WATER AND SEWER

58. All lots shall be served by adequately sized water system facilities, including fire hydrants, of sufficient size to accommodate the total domestic and fire flows required for the land division. Domestic flows required are to be determined by the Director of Public Works. Fire flows required are to be determined by the Fire Chief.
59. There shall also be filed with this subdivision a statement from the water purveyor indicating the water service shall be provided to each lot and that the proposed water mains and any other required facilities will be operated by the purveyor and that under normal operating conditions the system will meet requirements for the land division.
60. Approval of this land division is contingent upon the installation and dedication of local main line sewers and separate house laterals to serve each dwelling unit and/or lot at such time as the permanent buildings are constructed on the site.
61. Per the direction of the Director of Public Works, provide a sewer area study prior to submittal of the final map.
62. Per the direction of the Director's of Planning and Public Works, at the time of project construction, the applicant shall be required to comply with all Ordinances adopted to address the balance of water supply to water demand.

LANDSCAPING

63. The development shall comply with all requirements of Ordinance No. 907.
64. Per the direction of the Director of Public Works and prior to approval, landscape plans shall be prepared in accordance with Ordinance No. 907 and submitted to the Public Works Department, along with required plan check fees, for review and approval prior to the installation of landscaping or irrigation systems. Such plans are to be incorporated into development of the site and shall show size, type, and location of all plants, trees, and irrigation facilities.
65. Prior to occupancy, provide a 10-foot-wide landscape easement and maintenance district along regional, primary and secondary arterials, in accordance with City policy. The irrigation system, landscape plan, and plant materials are subject to approval by the Department of Public Works. The construction materials, color, and design of the decorative (i.e. slump stone, split faced with brick pilasters, and decorative brick cap) masonry wall abutting the landscape maintenance district and entry street is subject to approval of the Planning Director. The irrigation and plant materials shall be installed and

completed to the satisfaction of the Director of Public Works prior to occupancy of any residence within the development. In addition, add a one- to two-course high block wall along the back of the sidewalk is required to protect the landscaping and irrigation, and to prevent runoff.

66. Street trees are required one per house. Corner lots require one tree along the frontage and two trees on the corner side for a total of three trees. Contact City of Lancaster Department of Public Works for street tree location, species and approved method of installation and irrigation.
67. Developer shall install a landscaping and irrigation system in the 6.5-foot right-of-way strip between the front yard and street side yard where alternate street section is used.
68. Developer shall install a parkway planter with landscaping and irrigation where required in accordance with the adopted Design Guidelines.
69. Annexation into the Landscape Maintenance District is required.
70. Per the direction of the Director of Public Works, the Developer shall install a “purple pipe” irrigation system in all landscape maintenance districts to provide for future connection to a recycled water system.

WALLS AND FENCES

71. Prior to occupancy, construct a masonry wall along the perimeter of the subdivision where a rear, side, or street side yard abuts other property, or is adjacent to a street, in accordance with Section 17.28.030.C. of the Municipal Code; color and design to be specifically approved by the Planning Director . If the project is developed in phases, a masonry wall must be provided around the perimeter of each recorded phase in accordance with this condition prior to occupancy of any units in that phase. The requirement for perimeter walls may be waived or modified by the Planning Director in order to prevent the creation of double walls where an adequate wall, which would meet the intent of this condition, is already in existence, or where there will be continuous work in progress on adjacent phases. All walls required by this condition shall meet the structural requirements of the City of Lancaster as specified by the Public Works Director.

ENVIRONMENTAL

72. Pursuant to Section 21089(b) of the Public Resource Code, approval of this Tentative Tract Map 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.

73. Per the direction of 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.
74. The applicant shall, prior to or concurrent with the approval of a final map, 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.
75. The project shall comply with all mitigation measures adopted in the mitigation monitoring program.

RURAL RESIDENTIAL

76. Prior to occupancy, provide an 18-foot-wide multi-use trail, landscape easement, and landscape maintenance district along regional, primary, and secondary arterials and along the first 100 feet of entry streets into the subdivision, in accordance with City policy. The irrigation system, landscape plan, and plant materials are subject to approval of the Department of Public Works. The construction materials, color, and design of the decorative (slump stone, split-face, and brick pilasters) masonry wall abutting the landscape maintenance district are subject to approval of the Planning Director. The irrigation and plant materials shall be installed and completed to the satisfaction of the Public Works Director prior to occupancy of any residence within the development. In addition, add a one to two-course high block wall along the back of the sidewalk to protect landscaping, irrigation, and to prevent runoff.
77. Per the direction of the Planning Director, prior to occupancy, the applicant will provide a masonry wall along the interior and rear lot lines.


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

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

Tentative Tract Map Extension

TTM 60291

November 4, 2015

1. The approval of the extension is consistent with the goals, objectives, policies, action programs, and land use designations of the adopted general plan applicable to the subject property because:

The approved tentative tract map permits the ultimate development of 66 lots. The development of "infill," high quality, affordable residences is consistent with the goals of the general plan. Approval of the extension in no way affects or changes the existing land use designation applicable to the subject property.

2. The approval of the extension will allow for development of a project that is of benefit of the public health, safety and welfare through completion of vital infrastructure or public improvements, correction of existing of hazardous conditions, or enhancement of public facilities because:

Granting the extension and the ultimate development of the residential tract will help complete the overall street pattern within the City of Lancaster. Furthermore, development of the property will require construction of drainage, water and sewer infrastructure for the betterment of the immediate vicinity.

3. The granting of the extension is necessary to allow sufficient time for the subdivider to complete final maps and improvement plans that are currently being processed.

The applicant has contracted with a Civil Engineer for the completion of the improvement drawings necessary to record a final map. Granting the extension will allow the applicant's engineer to complete their work, submit for plan check and attain necessary permits.

4. There is no substantial change in the land use or development patterns in the vicinity of the tentative map that would cause detriment to the public health, safety, or welfare should the extension be granted because:

There is no substantial change in the land use or development patterns in the vicinity. Since the time of the original approval these uses have remained constant and no changes are anticipated to these uses.

PLANNING COMMISSION

AGENDA ITEM: 4.

ACTION ~~Approved (5-0-0)~~
~~Approved (5-0-0)~~

DATE: 11-20-06

STAFF REPORT

VESTING TENTATIVE TRACT MAP NO. 60291
VESTING TENTATIVE TRACT MAP NO. 60664

DATE: November 20, 2006

TO: Lancaster Planning Commission

FROM: Planning Department *SKD/BR*

APPLICANT: Fieldstone Communities

LOCATION: VTTM No. 60291: 20± gross acres located on the south side of Avenue K-4, approximately 325 feet west of 35th Street West
VTTM No. 60664: 8± acres located between Avenue K and Avenue K-4, approximately 200 feet east of Buena Vista Way

REQUEST:

1. VTTM No. 60291: Subdivision for 66 single family lots in the R-10,000 Zone
2. VTTM No. 60664: Subdivision for 39 single family lots in the R-7,000 Zone

RECOMMENDATION:

1. Adopt Resolution No. 06-89 approving Vesting Tentative Tract Map No. 60291.
2. Adopt Resolution No. 06-90 approving Vesting Tentative Tract Map No. 60664.

BACKGROUND: Vesting Tentative Tract Map No. 60291 and Vesting Tentative Tract Map 60664 (the "Projects") were originally heard by the Planning Commission on May 17, 2004. The Commission continued the cases to the June 21, 2004, meeting because of various concerns received regarding potential effects of the development. The chronology of the cases is as follows:

- On June 21, 2004, the Planning Commission approved VTTM No. 60291 and VTTM No. 60664 and the associated negative declarations.
- On July 2, 2004, the Friends of Prime Desert Woodland, Sierra Club-Antelope Valley Group, and the Lancaster Community Neighborhood Organization filed an appeal on VTTM No. 60291 and VTTM No. 60664.

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- On August 10, 2004, the City Council referred the Projects back to the Planning Commission for reconsideration following the preparation and consideration of an environmental impact report (EIR) due to the concerns raised at the appeal.
- On June 21, 2005, the City published a Notice of Preparation ("NOP") together with an Initial Study prepared for both Projects in accordance with the requirements of CEQA and the State CEQA Guidelines.
- On July 14, 2005, a scoping meeting was held at City Hall to solicit comments on the Projects.
- On May 23, 2006, the draft environmental impact report (DEIR) was made available and distributed to agencies, interested organizations, and individuals by the City for public review. From May 23 to July 9, 2006, a forty-five-day comment period was provided. Comments received during the public review period for the DEIR were responded to in the Responses to Comments which was included in the final environmental impact report (FEIR) dated November 2006. The FEIR was distributed to responsible agencies and agencies submitting comments on November 10, 2006.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE:

VTTM No. 60291: The subject property is designated UR (Urban Residential, 2.1 – 6.5 dwelling units per acre) by the General Plan, is zoned R-10,000 (single family residential, minimum lot size of 10,000 square feet), and is currently vacant.

The General Plan designation, zoning and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	UR	10,000	Single Family Residential; vacant
EAST	S	O	Nancy Cory Elementary School
SOUTH	O	O	Prime Desert Woodland Park
WEST	UR	R-10,000	Single Family Residential

VTTM No. 60664: The subject property is designated UR (Urban Residential; 2.1 to 6.5 dwelling units per dwelling unit per acre) by the General Plan, is zoned R-7,000 (Single family residential, minimum lot size of 7,000 square feet), and is currently vacant.

The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	UR	R-7,000	Vacant
EAST	UR	R-7,000	Single Family Residential
SOUTH	UR	R-10,000	Vacant
WEST	UR	R-7,000	Single Family Residential

PUBLIC IMPROVEMENTS:

VTTM No. 60291: The site is bounded on the north by Avenue K-4, which is improved with one lane of traffic in each direction. All public utilities are available or can be made available to serve the site.

VTTM No. 60664: The site is bounded on the north by Avenue K, which is improved with two west bound and two east bound lanes and on the south by Avenue K-4, which is partially dedicated and improved with one lane in each direction. All public utilities are available or can be made available to serve the site.

ENVIRONMENTAL REVIEW ENVIRONMENTAL REVIEW: A final EIR that analyzes the potential impacts of the proposed Projects has been prepared for the Projects. The Planning Commission, prior to approving the Projects, must certify that the 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. 06-89 and Resolution No. 06-90.

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.

However, State law specifies that lead agencies may determine that a project will have a de minimis effect on fish and wildlife and the fees waived. Said determination shall be based on findings of fact and incorporated into a Certificate of Fee Exemption.

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

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ANALYSIS:

VTTM No. 60291: The proposed subdivision consists of 66 single-family lots in the R-10,000 Zone. The lots would range in size from 10,000 square feet to over 17,500 square feet, including the alternate street section. The project is consistent with the General Plan land use designation of Urban Residential 2.1 to 6 dwelling units per acre and the R-10,000 zoning designation of the property.

Primary access to the subdivision would be from both "A" and "D" Streets via Avenue K-4. Internal circulation would be provided by a local collector streets and cul-de-sacs. The proposed subdivision has the potential to generate 660 vehicular trips per day, which would not significantly impact surrounding streets, based on the traffic analysis in the EIR. The subdivision design incorporates a series of short street segments, which will help to reduce vehicular speeds within the subdivision or the surrounding streets. A perimeter masonry wall would be required along the perimeter of the subdivision.

To prevent development from encroaching into the Prime Desert Woodland to the south of the site, Avenue K-6 is not designed to go through the subdivision. The applicant would be responsible to complete the street improvements on Avenue K-6 as necessary. Adequate drainage improvements would be provided for the subdivision. The applicant would be required to install a 20-foot-wide drainage easement that would pick up drainage from south of the site and carry it through a 10-foot-wide drainage easements to release into "A", "C", and "D" Streets. The applicant is being conditioned to provide a decorative secondary overflow path between Lot Nos. 8, 9, 22, 23, 30 & 31.

In response to the concerns by the homeowners, the applicant has agreed to the following concessions: to replace the existing block wall along the western property line to ensure a minimum height of six feet between the current and future residences, as appropriate; and construct one-story homes along the western property line consistent with the neighborhood to the west. The issue of safety regarding the drainage easement would be handled similar to other areas of town where the neighborhood monitors the area for safety. The 20-foot-wide drainage buffer proposed along the southern property line would be enclosed by a block wall or hurricane fence on all sides of the easement and would be maintained by the public works department.

VTTM No. 60664: The proposed subdivision consists of 39 single-family lots in the R-7,000 Zone. This project is an in-fill project located between existing subdivisions to the west and east. The lots would range in size from 7,440 square feet to over 13,900 square feet, including the alternate street section. The project is consistent with the General Plan land use designation of Urban Residential (2.1 to 6 dwelling units per acre) and the R-7,000 zoning designation of the property.

Primary access to the subdivision would be from Avenue K via Buena Vista Way to the north and from Avenue K-4 via Buena Vista Way to the south. Local collector streets would provide internal circulation. A 10-foot-wide landscape maintenance district and decorative masonry wall would be required along Avenue K. A perimeter masonry wall would also be required on the perimeter.

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The applicant will be required to improve Avenue K with full street improvements, including a raised landscaped median in Avenue K from the eastern property line west to Buena Vista Way. The proposed subdivision has the potential to generate 390 vehicular trips per day, which should not significantly impact surrounding streets, based on the traffic analysis in the EIR.

VTTM No. 60291 & VTTM No. 60664: The applicant has requested approval of a vesting tentative tract map. The vesting tentative map differs from the standard tentative tract map primarily in that once the vesting map is approved, the developer has the vested right to proceed with the project in substantial compliance with the ordinances, policies and standards which were in effect at the time that the application was considered complete by the City. Under the City's ordinance, these vesting rights last for two years or until the map records (whichever occurs first), plus one year after recordation, plus the life of the building permit. At the end of the two years, if not recorded, it would be subject to the same number of extensions, a maximum of three, as established by the Subdivision Ordinance for the expiration of standard tentative maps.

Should the developer not record prior to the end of the initial 24-month approval period and an extension is requested, there could be two possible outcomes: conditions could be added if it is determined that the residents of the subdivision and/or the immediate community could be placed in a situation dangerous to their health and/or safety, or the extension could be denied in order to comply with State or Federal law. In no instance, however, can a request for approval or extension of a vesting map be denied solely on the grounds that it is a vesting map.

The final EIR concluded that the proposed projects could have significant effects with respect to biological resources, air quality, and other factors. Mitigation measures are recommended in the final EIR and applied to the Projects through conditions of approval to reduce impacts where feasible. The final EIR and Exhibit "A" of Resolution Nos. 06-89 and 06-90 provide greater detail regarding these effects and mitigation measures.

The density of the developments of the Projects are consistent with the General Plan designation of Urban Residential, 2.1-6.5 dwelling units per acre; the proposed subdivision meets the City's zoning requirements for the R-10,000 and R-7,000 Zones; and sufficient access, utilities, and infrastructure exist or can be extended to serve the Projects. Therefore, staff is recommending approval of Vesting Tentative Tract Map No. 60291 and Vesting Tentative Tract Map No. 60664.

Respectfully submitted,



Silvia R. Donovan, Principal Planner

cc: Applicant
Engineer

RESOLUTION NO. 06-89

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT MAKING ENVIRONMENTAL FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING VESTING TENTATIVE TRACT MAP NO. 60291

WHEREAS, a tentative subdivision map has been filed by Fieldstone Communities for the division of 20± gross acres of land into 66 single family lots located on the south side of Avenue K-4, approximately 325 feet west of 35th Street West, as shown on the attached site map; and

WHEREAS, staff has conducted necessary investigations to assure the proposed division of land would be consistent with the purposes of the City's Subdivision Ordinance, the State Subdivision Map Act, and the regulations of the R-10,000 Zone; and

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

WHEREAS, public notice was provided as required by law, and a public hearing was held on November 20, 2006; and

WHEREAS, this Commission hereby certifies, pursuant to Section 15090(a)(1) of the State CEQA Guidelines, that the final environmental impact report 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 approving the project; and

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

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

1. The proposed design and improvement of the 66-lot subdivision are consistent with the General Plan land use designation of UR (Urban Residential) for the subject property.

2. The site is physically suitable for the type and proposed density of development because adequate roadway capacity and infrastructure exist or can be provided, and the site has no topographical constraints.
3. The design and improvement of the subdivision will have effects on the environmental as described in the final environmental impact report, and these effects are insignificant, adequately mitigated, or acceptable due to overriding considerations as noted in Exhibit "A" of this resolution.
4. The design and improvement of the subdivision are not likely to cause serious public health problems because adequate sewer and water systems will be provided to the project.
5. The design and improvement of the subdivision will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision because all such easements have been incorporated into the proposed public streets or will be abandoned, based on staff review of a preliminary title report.
6. The proposed subdivision may have a beneficial effect on the housing needs of the region because an additional 66 dwelling units could be provided, and the City has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
7. The proposed subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision because the size and configuration of the parcels would allow for such systems, and

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

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby certifies the final environmental impact report prepared for Vesting Tentative Tract Map No. 60291 was prepared in accordance with the California Environmental Quality Act as outlined in Exhibit "A", and further certifies that the final environmental impact report was presented to the Commission and that the Commission reviewed and considered the information contained in the final environmental impact report prior to making a decision on Vesting Tentative Tract Map No. 60291.

3. This Commission hereby adopts the mitigation monitoring program attached hereto as Exhibit "A" for Vesting Tentative Tract Map No. 60291.
4. This Commission hereby approves Vesting Tentative Tract Map No. 60291, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 20th day of November, 2006, by the following vote:

AYES: Commissioners Faux, Salazar and Troth, Vice Chairman MacPherson,
Chairman Mann

NOES: None

ABSTAIN: None

ABSENT: None



KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

40th Street West

Ave K-6

Sierra Vista Dr

Avenue K

TTM 60291

Avenue K-4

Buena Vista Way

TTM 60664



Alep Street

Nancy Dory School

**ATTACHMENT TO PC RESOLUTION NO. 06-89
VESTING TENTATIVE TRACT MAP NO. 60291
CONDITIONS LIST
November 20, 2006**

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 06-11 shall apply except Condition No. 59.

STREETS

2. Per direction of the Public Works Director, improve and offer for dedication:
 - Avenue K-4 at 44 feet of an ultimate 64-foot right-of-way
 - "A" Street (north of E Street) at a 60-foot right-of-way
 - "A" Street (south of E Street) at a 58-foot right-of-way
 - "E" Street at a 60-foot right-of-way
 - "B" Street at a 58-foot right-of-way
 - "C" Street at a 58-foot right-of-way
 - "D" Street (north of "E" Street) at a 60-foot right-of-way
 - "D" Street (south of "E" Street) at a 58-foot right-of-way
3. Per the direction of the Public Works Director, complete street improvements on Avenue K-6, adjacent to Lot No. 8.
4. Per the direction of the Public Works Director, restrict vehicular access to Avenue K-6 from Lot No. 8.

DRAINAGE

5. Per the direction of the Public Works Director, provide a cross section of the decorative rock or treatment in the easements between Lot Nos. 8 & 9, 22 & 23, and 30 & 31.
6. Per direction of the Public Works Director, construct a 20-foot-wide drainage easement along the south property line along the width of the property.

OTHER CONDITIONS

7. Prior to or concurrently with approval of the final map, the subdivider shall provide the documentation to the City Engineer and Planning Department showing that the easement (Items 12, 16, 20) of First American Title dated 10-9-03 has been abandoned by the easement holders and that there are not restrictions that would prevent the development of those lots.

8. Per the direction of the Planning Director, the applicant shall work with the residences as applicable to replace the perimeter wall along the west property line adjacent to Lot Nos. 1-8.
9. Per the direction of the Planning Director, at the time of building permit issuance, the applicant shall construct one-story houses adjacent to west property line (Lot Nos. 1-7).
10. Per the direction of the Public Works Director, all construction traffic shall be entered from the intersection of Avenue K and 40th Street West, and shall not pass in front of Nancy Cory School.
11. The project shall comply with the mitigation measures as adopted in the mitigation monitoring plan under Planning Commission Resolution No. 06-89.

RESOLUTION NO. 06-90

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT MAKING ENVIRONMENTAL FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING VESTING TENTATIVE TRACT MAP NO. 60664

WHEREAS, a tentative subdivision map has been filed by Fieldstone Communities for the division of 8± acres of land into 39 single family lots located between Avenue K and Avenue K-4, approximately 200 feet east of Buena Vista Way, as shown on the attached site map; and

WHEREAS, staff has conducted necessary investigations to assure the proposed division of land would be consistent with the purposes of the City's Subdivision Ordinance, the State Subdivision Map Act, and the regulations of the R-7,000 Zone; and

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

WHEREAS, public notice was provided as required by law, and a public hearing was held on November 20, 2006; and

WHEREAS, this Commission hereby certifies, pursuant to Section 15090(a)(1) of the State CEQA Guidelines, that the final environmental impact report 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 approving the project; and

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

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

1. The proposed design and improvement of the 39-lot subdivision are consistent with the General Plan land use designation of UR (Urban Residential) for the subject property.
2. The site is physically suitable for the type and proposed density of development because adequate roadway capacity and infrastructure exist or can be provided, and the site has no topographical constraints.

3. The design and improvement of the subdivision will have effects on the environmental as described in the final environmental impact report, and these effects are insignificant, adequately mitigated, or acceptable due to overriding considerations as noted in Exhibit "A" of this resolution.
4. The design and improvement of the subdivision are not likely to cause serious public health problems because adequate sewer and water systems will be provided to the project.
5. The design and improvement of the subdivision will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision because all such easements have been incorporated into the proposed public streets or will be abandoned, based on staff review of a preliminary title report.
6. The proposed subdivision may have a beneficial effect on the housing needs of the region because an additional 39 dwelling units could be provided, and the City has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
7. The proposed subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision because the size and configuration of the parcels would allow for such systems, and

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

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby certifies the final environmental impact report prepared for Vesting Tentative Tract Map No. 60664 was prepared in accordance with the California Environmental Quality Act as outlined in Exhibit "A", and further certifies that the final environmental impact report was presented to the Commission and that the Commission reviewed and considered the information contained in the final environmental impact report prior to making a decision on Vesting Tentative Tract Map No. 60664.
2. This Commission hereby adopts all findings and the Statement of Overriding Considerations as contained in Exhibit "A".

3. This Commission hereby adopts the mitigation monitoring program attached hereto as Exhibit "A" for Vesting Tentative Tract Map No. 60664.
4. This Commission hereby approves Vesting Tentative Tract Map No. 60664, subject to the conditions attached hereto and incorporated herein.

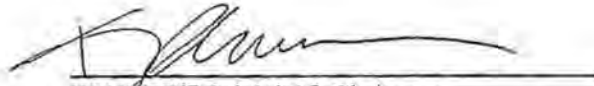
PASSED, APPROVED and ADOPTED this 20th day of November, 2006, by the following vote:

AYES: Commissioners Faux, Salazar and Troth, Vice Chairman MacPherson, Chairman Mann

NOES: None

ABSTAIN: None

ABSENT: None



KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

40th Street West

Ave K-6

Starra Vista Dr

Avenue K

Avenue K-4

Buena Vista Way

TTM 60291



60664

TTM

Alep Street

Nancy County School

**ATTACHMENT TO PC RESOLUTION NO. 06-90
VESTING TENTATIVE TRACT MAP NO. 60664
CONDITIONS LIST
November 20, 2006**

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 06-11 shall apply except Condition No. 59.

STREETS

2. Per direction of the Director of Public Works, improve and offer for dedication:
 - Avenue K at 70 feet of an ultimate 100-foot right-of-way (including undergrounding of utilities)
 - Calle Serena at a 60-foot right-of-way
 - Street "A" at a 60-foot right-of-way
 - Stillmeadow at Street "A" at a 60-foot right-of-way
 - Calle Estrada at a 60-foot right-of-way
 - Avenue K-4 at 44 feet of an ultimate 64-foot right-of-way.
3. Dedicate the right to restrict direct vehicular access to Avenue K.
4. Per direction of the Director of Public Works, install a raised landscaped median in Avenue K with a left-turn pocket into Buena Vista Way.
5. The project shall comply with the mitigation measures as adopted in the mitigation monitoring plan under Planning Commission Resolution No. 06-90.

RESOLUTION NO. 06-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF LANCASTER, CALIFORNIA, ADOPTING CERTAIN
STANDARDIZED CONDITIONS OF APPROVAL FOR
TENTATIVE TRACT MAPS

WHEREAS, the Planning staff presented to the Planning Commission a list of seventy (70) conditions which are applied to Tentative Tract Maps when they are approved by said Commission; and

WHEREAS, the staff explained to the Commission that since these are standard conditions for almost all tentative maps, it might be more appropriate to adopt them by resolution for reference purposes as it would save 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 tentative maps 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 Tentative Tract Maps;

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 Tentative Tract Map approvals.

GENERAL/ADVISORY

1. The approval of this tentative map shall expire 24 months from the date of conditional approval. The subdivider may file for an extension of the conditionally approved map prior to the date of expiration for a period of time not to exceed one year. If such extension is requested, it must be filed no later than sixty (60) days prior to expiration.
2. 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.
3. If the map is to be recorded in phases, the subdivider shall submit a phasing plan to the Planning Department for approval thirty (30) days prior to filing the final map of the first phase.

4. The subdivider 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 subdivision, which action is brought within the time period provided for in Section 66499.37. of the Subdivision Map Act. The City shall promptly notify the subdivider 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 subdivider or fails to cooperate fully in the defense.
5. Comply with all requirements of the Municipal Code and of the specific zoning of the subject property.
6. All necessary permits shall be obtained from the Building and Safety Division of the Public Works Department prior to any construction, remodeling or replacement of buildings or other structures.
7. An encroachment permit shall be obtained from the Public Works Department prior to doing any work within the public right-of-way.
8. All construction and/or installation of improvements shall be undertaken to the specifications of the City of Lancaster Municipal Code.
9. All offers of dedication shall be noted by certificate on the face of the final map.
10. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets or highways, access rights, building restriction rights, or other easements until after the final map or Grant of Waiver/Certificate of Compliance is filed with the County Recorder unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
11. Provide letter(s) of slope easement(s) as directed by the Public Works Director.
12. The subdivider, by agreement with the Public Works Director, may guarantee installation of improvements as determined by the Public Works Director through faithful performance bonds, letters of credit or any other acceptable means.
13. For residential subdivisions, the subdivider shall be required to install distribution lines and individual service lines for community antenna television service (CATV) for all new development.

14. Submit a soils report on the properties of soils as detailed in Chapter 18 of the Uniform Building Code and as required by City's Building and Safety Department and Engineering Department on all building sites in the proposed subdivision.
15. The applicant is advised that details shown on the tentative map are not necessarily approved. Any details which are inconsistent with requirements of ordinances, general conditions of approval, or City policies must be specifically approved.
16. 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) L.A. Co. Residential 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.).
17. The applicant is advised model homes will only be open for inspection by the public after adequate off-street parking is provided, or after the adjoining street improvements have been completed.
18. The applicant is hereby advised that the use of any signs, strings of 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.

STREETS

19. Per the direction of the Public Works Director, street improvements include pavement, curb, gutter, sidewalk, street lights, undergrounding of utilities etc. The applicant is to reconstruct the street to centerline if the existing pavement section does not meet the Public Works Department required structural section. Additional pavement as required to transition to existing pavement or as needed to provide additional turn lanes opposing new improvements shall also be included in street plans.
20. Place above ground utilities including, but not limited to, fire hydrants, junction boxes and street lights outside sidewalk on local and collector streets.
21. Construct local and collector streets in urban residential areas to alternate section specifications.
22. If determined necessary by the Public Works Director, 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 to the street centerline may be necessary to meet the required structural section.

23. Street grades shall meet the specifications of the Public Works Department.
24. Design local residential subdivision streets, to City standards, to have a minimum design speed of 35 mph for a 64-foot right-of-way, 30 mph design speed for a 60-foot right-of-way and 25 mph design speed for 58-foot or less right-of-way.
25. Design local residential streets to have a minimum curve length of 100 feet. The length of the curve outside of the BCR is used to satisfy the 100-foot minimum length requirement. A minimum 50-foot tangent is required between two curves. No residential street shall have a centerline radius less than 200 feet. The minimum centerline radius on a residential street with an intersecting residential street on the concave side should comply with minimum design speed sight distances per the current City guidelines.
26. Local street(s) shall be aligned such that the central angles of the right-of-way radius returns do not differ by more than 10 degrees.
27. Align the centerlines of all local streets without creating jogs of less than 150 feet when intersecting a street with a 64-foot right-of-way or less, except that a 1-foot jog may be used where a street changes width from standard 60-foot to standard 58-foot right-of-way.
28. Provide at least 40 feet of frontage at the property line and approximately radial lot lines for all lots fronting on the cul-de-sacs or knuckles.
29. In residential subdivision, mailboxes and posts shall be installed per City standards. Secure approval of U.S. Postal Service prior to installation.
30. Street lights are required per adopted City ordinance or policy.
31. Prior to recordation of the final map, the property shall be annexed into the Lancaster Lighting District.
32. Per direction of the Public Works Director, comply with City Municipal Code, Chapter 13.20, Article II entitled Installation/Relocation For New/Expanded Development of Overhead Utilities (Ordinance No. 361).
33. 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.

34. Per the direction of the Public Works Director, 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.
35. Per the direction of the Public Works Director, the interior streets in residential tracts shall be treated with Reclamite pavement rejuvenation solution prior to completion of the one-year maintenance period.
36. Per the direction of the Public Works Director, a Dust Control Plan shall be prepared and submitted to the Antelope Valley Air Quality Management District (AVAQMD) in accordance with Rule 403 of 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 residential projects of 10 acres and larger and for commercial/industrial projects of 5 acres and larger. In lieu of an approved plan, a letter waiving this requirement shall be submitted.
37. Per the direction of the Public Works Director, 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 Division.
38. Per the direction of the Public Works Director, a secondary access is required when development reaches 700 feet in urban areas or 1,000 feet in rural areas.
39. Label private streets as "Private Drives and Fire Lanes" on the final map.
40. Per the direction of the Public Works Director, construct ADA "walk arounds" at all driveways to the specifications of the Public Works Director and install ADA curb ramps at all intersections.
41. Per the direction of the Planning Director and the Public Works Director, garages shall maintain a 20 foot setback from property line (R-7,000, R-8,500 and R-10,000 Zones only).
42. Final map design shall be coordinated with the Antelope Valley Transportation Authority (AVTA) for ADA-compliant sidewalks of sufficient width to accommodate ADA-compliant bus benches and shelters.

DRAINAGE

43. Portions of the property are subject to sheet overflow and ponding.
44. Provide for contributory drainage from adjoining properties and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
45. A hydrology study shall be submitted and approved prior to the filing of the final map. The hydrology study shall verify, among other things, that the proposed streets and existing downstream streets are able to carry, top of curb to top of curb, the anticipated flow through the subdivision, and/or that potential drainage problems will be mitigated through the installation of drainage structures such as culverts, storm drains, or other improvements.
46. Submittal of an overall drainage plan/hydrology study which shows the surface flow, nuisance water, and mitigation plan is required prior to submittal of final map.
47. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
48. Per the direction of the Public Works Director, if the project is located in Flood Zone AO(1), elevate the building one foot above the highest adjacent grade.
49. Place note of flood hazard on the final map and dedicate right to restrict buildings or structures in flood hazard area if applicable.
50. Mitigate onsite nuisance water and developmental storm water runoff to the satisfaction of the Public Works Director.
51. Box culverts or other structures acceptable to the Public Works Director are required at all intersections with arterial streets to eliminate nuisance water from crossing the street above ground. (No cross gutters allowed.)
52. All drainage facilities are to be constructed and approved prior to occupancy of any dwelling within the project per the Public Works Director. If the project is phased, all drainage facilities required for each phase will be constructed and approved prior to occupancy of any dwelling within that phase.
53. Prior to recordation of the final map, the property shall be annexed into the Lancaster Drainage Maintenance District.

54. Drainage easements located between residential lots shall be 15 feet in width. The drainage easement shall be designed with a decorative overflow incorporating a cobble rock design as determined by the Planning Director and Public Works Director.

WATER AND SEWER

55. All lots shall be served by adequately sized water system facilities, including fire hydrants, of sufficient size to accommodate the total domestic and fire flows required for the land division. Domestic flows required are to be determined by the Public Works Director. Fire flows required are to be determined by the Fire Chief.
56. There shall also be filed with this subdivision a statement from the water purveyor indicating the water service shall be provided to each lot and that the proposed water mains and any other required facilities will be operated by the purveyor and that under normal operating conditions the system will meet requirements for the land division.
57. Approval of this land division is contingent upon the installation and dedication of local main line sewers and separate house laterals to serve each dwelling unit and/or lot of the land division.
58. Per the direction of the Public Works Director, provide a sewer area study prior to submittal of the final map.
59. For all projects located with L.A. County Waterworks District No. 40, the project proponent shall contact the City Building Official regarding the requirements for the purchase of water credits from the City of Lancaster.

LANDSCAPING

60. Prior to occupancy, provide a 10-foot-wide landscape easement and maintenance district along regional, primary and secondary arterials, in accordance with City policy. The irrigation system, landscape plan, and plant materials are subject to approval of the Public Works Department. The construction materials, color, and design of the decorative (i.e. slump stone, split faced with brick pilasters, and decorative brick cap) masonry wall abutting the landscape maintenance district and entry street is subject to approval of the Planning Director. The irrigation and plant materials shall be installed and completed to the satisfaction of the Public Works Director Department prior to occupancy of any residence within the development. In addition, add a one- to two-course high block wall along the back of the sidewalk to protect the landscaping and irrigation, and to prevent runoff.

61. Street trees are required; however this requirement may be waived where sufficient trees have been placed within an abutting landscaped setback. Contact City of Lancaster Public Works Department for street tree location, species and approved method of installation and irrigation.
62. Developer shall install a landscaping and irrigation system in the 6.5-foot right-of-way strip between the front yard and street side yard where alternate street section is used.
63. Annexation into the Landscape Maintenance District is required.
64. Where landscaping is required or is to be installed by the developer within the front and/or street side yard setback areas, a landscape and irrigation plan shall be submitted for review and approval by City staff. Said landscaping and irrigation system shall conform to the requirements of Ordinance No. 629.
65. The project shall abide by Ordinance No. 821, requirements for residential landscape installation and maintenance.
66. Per the direction of the Public Works Director, the Developer shall install a "purple pipe" irrigation system in all landscape maintenance districts to provide for future connection to a recycled water system.

WALLS AND FENCES

67. Prior to occupancy, construct a masonry wall along the perimeter of the subdivision where a rear, side, or street side yard abuts other property, or is adjacent to a street, in accordance with Section 17.28.030.C. of the Municipal Code; color and design to be specifically approved by the Planning Director. If the project is developed in phases, a masonry wall must be provided around the perimeter of each recorded phase in accordance with this condition prior to occupancy of any units in that phase. The requirement for perimeter walls may be waived or modified by the Planning Director in order to prevent the creation of double walls where an adequate wall which would meet the intent of this condition is already in existence, or where there will be continuous work in progress on adjacent phases. All walls required by this condition shall meet the structural requirements of the City of Lancaster as specified by the Public Works Director.

OTHER CONDITIONS

68. Pursuant to Section 21089(b) of the Public Resource Code, approval of this Tentative Tract Map 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.

EXHIBIT "A"

FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR VESTING TENTATIVE TRACT MAP 60291 AND VESTING TENTATIVE TRACT MAP 60664 ENVIRONMENTAL IMPACT REPORT STATE CLEARINGHOUSE NUMBER 2005061140

1. INTRODUCTION.

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines, 14 Cal. Code of Regs. Section 15091 require 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 or should be, adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either

required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Having received, reviewed and considered the Final Environmental Impact Report for VTTM 060291/060664, dated November, 2006 ("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 VTTM 060291/060664 ("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 Initial Study, Notice of Preparation (NOP) and consideration of comments received during the NOP comment period either not to be relevant to the Project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the Project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the FEIR which the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of mitigation measures. In order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project. Section 5 also includes findings regarding those

significant or potentially significant environmental impacts identified in the FEIR which will or which may result from the Project and which the City has determined cannot feasibly be mitigated to a less than significant level.

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

B. Custodian and Location of Records

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

2. PROJECT SUMMARY

A. Discretionary Actions

These Findings set forth the environmental basis for current discretionary actions to be undertaken by the City for the approval of the Project. These actions include approval of Vesting Tentative Tract Map ("VTTM") Nos. 060291 and 060664.

B. Project Location

The Project is located in the western portion of the City. The Project is located south of Avenue K between 30th and 40th Streets West. Freeway access to the Project is via the Antelope Valley Freeway (State Route 14), located approximately 2.25 miles east of the site. Direct access from the freeway is via the Avenue K exit to either 30th or 40th Street West.

Existing land uses surrounding VTTM 060664 include single-family residences to the west and east, undeveloped land that was recently approved for development of single-family homes to the north, and the site proposed for VTTM 060291 to the south. Existing land uses surrounding VTTM 060291 include single-family residences and the land proposed for VTTM 060664 to the north, Nancy Corey Elementary School to the east, the Prime Desert Woodland Preserve to the south, and single-family residences to the west.

C. Project Description

VTTM 060291 is a 20.64-acre site which is proposed for 66 single-family residences. VTTM 060664 is an approximately 8-acre site which is proposed for 39 single-family residences, for a total of 105 residences proposed by the Project.

The City of Lancaster General Plan designates both VTTM 060664 and 060291 as UR (Urban Residential, 2.1-6.5 dwelling units per acre). VTTM 060291 is zoned R-10,000 (Single-family residential, minimum lot size of 10,000 square feet) and VTTM 060664 is zoned R-7,000 (Single-family residential, minimum lot size of 7,000 square feet). The Project proposes residences ranging in size from 2,300 to 4,000 square feet, with a maximum height of 35 feet for a two-story house.

D. Project Objectives

The following objectives have been established for the proposed Project:

- Create infill housing within existing service areas of existing parks and educational facilities.
- Establish residential development in close proximity to an existing elementary school thereby enabling children to easily walk to school.
- Complete a residential “infill” development that avoids sprawl and is consistent with existing City of Lancaster policies, zoning requirements and land use designations.
- Develop a project that is consistent with the City’s General Plan Objective 2.1, which states, “Encourage the efficient use of the developable land within the urban core.”
- Develop a project that is consistent with the City’s General Plan Policy 18.2.1, which states, “Encourage appropriate infill development.”
- Provide an efficient circulation system to enhance the safety of local residents.
- Create an economically feasible project that is adjacent to existing community facilities and infrastructure, thus avoiding leapfrog development and the requirement for lengthy extensions of infrastructure.
- Protect biological resources within the Prime Desert Woodland Preserve by constructing on-site storm drainage facilities that will not alter drainage patterns and/or storm flow rates within the Preserve.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The environmental review process for the Project is summarized as follows.

In April, 2004, the City prepared separate Negative Declarations for VTTM 060291 and VTTM 060664 which were submitted to the City of Lancaster Planning Commission for review and approval. In May and June, 2004, the Negative Declarations were approved and the tract maps were approved by adoption of Planning Commission Resolution Nos. 04-26 and 04-28, respectively for the two tract maps.

In July, 2004, an appeal to the City Council was filed on the two approvals by the Friends of Prime Desert Woodland, Sierra Club-Antelope Valley Group, and the Lancaster Community Neighborhood Organization. Because of the concerns raised in the appeal, the City decided to prepare an Environmental Impact Report for VTTM 060291 and VTTM 060664.

On June 21, 2005, the City published a Notice of Preparation (“NOP”) together with an Initial Study prepared for both VTTM 060291 and VTTM 060664 in accordance with the requirements of CEQA and the CEQA Guidelines. The NOP was circulated for a period of thirty (30) days, and a scoping meeting was held on July 14, 2005, at City Hall to solicit comments on the Project. The NOP was filed with the State Clearinghouse on June 24, 2005. The NOP, Initial Study, and comments received on the NOP are included in the DEIR at Appendix 1.0.

The DEIR was made available and distributed to agencies, interested organizations, and individuals by the City for public review on May 23, 2006. A forty-five day comment period was provided from May 23 to July 9, 2006. 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 November, 2006. The FEIR was distributed to responsible agencies and agencies submitting comments on November 10, 2006.

The following documents comprise the FEIR for the Project:

- Draft Environmental Impact Report for VVTM 060291/060664 (“DEIR”), dated May, 2006 including applicable revisions;
- Comments received on the DEIR and responses to those comments, published in the FEIR, dated November 2006;
- 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 VTTM 060291/060664 at its hearing on November 20, 2006.

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

As a result of the NOP circulated by the City beginning on June 21, 2005, and the Initial Study prepared by the City for the Project, the City determined, based upon the threshold criteria for significance, that the Project would have no impact on the following potential environmental effects, and therefore, determined that these potential environmental effects would not be addressed in the DEIR. Based upon the environmental analysis presented in the Final EIR, and the comments received from the public on the DEIR, no substantial evidence has been submitted to or identified by the City which indicates that the Project would have an impact on the following environmental issues, and therefore no additional analysis beyond what was provided in the Initial Study was included in the DEIR.

1. **Agricultural Resources:** The proposed Project does not convert land that is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (“Farmland”) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use, nor does it involve other

changes in the existing environment which could result in conversion of Farmland to non-agricultural uses.

2. Geology/Soils: The Project is not located in an area identified as being within or in proximity to a fault rupture zone, or within an Alquist-Priolo Special Study Zone. The potential for ground surface rupture is considered low. Although the site would be subject to ground shaking due to a seismic event, all construction on the site would conform to local requirements for seismic safety and future improvements on the site would be constructed in accordance with the seismic requirements of the Uniform Building Code, which would reduce any potential impacts to less than significant. Due to the lack of shallow groundwater in the area, the potential for liquefaction is considered unlikely, and the topography of the Project area would preclude the likelihood of landslides. The Project would not result in substantial soil erosion or loss of topsoil. Erosion impacts during construction would be mitigated through implementation of fugitive dust and grading measures identified by the Antelope Valley Air Quality Management District, the City and National Pollutant Discharge Elimination System requirements. The soils on the site are characterized by low shrink-swell potential and have a very low expansion potential. Finally, the project site is already sewered and the use of septic tanks or alternative wastewater disposal systems would not be required by the Project.

3. Hazards/Hazardous Materials: The Project site is not considered a hazardous materials site. The Project does not create a hazard to the public through routine transport, use, generation, or disposal of hazardous materials, nor would it result in upset and accident conditions involving the release of hazardous materials into the environment. The Project would not expose people to significant hazards or hazardous materials. The Project site is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip, or interfere with an adopted emergency response plan or evacuation plan. The Project is not located in an area where wildland fires pose a threat.

4. Land Use/Planning: As the Project is an infill development within an established area within the City, it would not physically divide an established community. The Project is consistent with the City's General Plan and zoning map designation, and does not propose any development on land designated for habitat conservation or natural communities conservation under an adopted plan and would therefore not conflict with any adopted plan.

5. Mineral Resources: The Project would not have any impact on the loss of availability of a known resource of regional value, or the loss of availability of a locally important mineral resource recovery site delineated on local plans.

6. Population/Housing: As the Project site is vacant, the Project would not displace existing housing affecting a substantial number of people. Although the Project would cause population growth within the Project area and the City, the amount of growth is not considered substantial because it is consistent with the City's General Plan. The Project does not induce additional growth as it does not require the extension of roads, infrastructure or new services to the Project area.

7. Public Services: The Project does not impact public facilities, including roads, or other governmental services. The Project is within the current service area of the fire station and the Lancaster Station of the Los Angeles County Sheriff's Department, and would not significantly impact the delivery of police and fire services. The Project will comply with the payment of statutory school fees which will address school impacts.

8. Recreation: The residential population generated by the Project is not expected to have a significant impact on the closest park, Rawley Duntley Park, and in addition, the Project will pay City park fees to reduce potential impacts on park and recreational facilities.

9. Utilities/Service Systems: The Project will connect to the local sewer system and will not exceed wastewater treatment requirements of the Regional Water Quality Control Board, nor will it require the construction or expansion of new wastewater treatment facilities. Sufficient supplies of water for the Project can be provided by Los Angeles County Waterworks District No. 40. The Project will also be in compliance with federal, state and local statutes regarding solid waste and will not have a significant impact on landfill capacity or solid waste.

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

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

- Biological Resources
- Transportation and Circulation
- Air Quality
- Noise
- Hydrology and Water Quality
- Cultural Resources
- Aesthetics

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

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

A. BIOLOGICAL RESOURCES

Potential Impact 5.1-1: The DEIR at Impact 5.1-1 identifies that the Project may have a significant impact on a special status plant species in that it may result in the direct loss of Sagebrush Loeblingia which exceeds the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: “*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 the CDFG or USFWS,*” and “*Substantially reduce the number or restrict the range of an Endangered, Rare, or Threatened species*” as set forth in Section 15065(a) of the CEQA Guidelines.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant by the implementation of either Mitigation Measure 5.1-1 or Mitigation Measure 5.1-2.

Facts in Support of Finding: During focused special-status plant surveys performed during the 2005 blooming period (spring) on the Project site, a small stand of approximately five (5) plants of the species, Sagebrush loeblingia, a California Native Plant Society (CNPS) List 2 plant, was observed on VTTM 060291. CNPS List 2 plants are considered rare or endangered in California, but more common elsewhere. No other special-status plant species were observed during the Project site surveys. Development of the Project would result in the removal of these plants which is considered a

significant impact. The DEIR has identified two possible mitigation measures; the implementation of either would reduce this impact to Less Than Significant. These measures would provide for either the transplantation of these five plants to an appropriate off-site location which would ensure their continued viability (Mitigation Measure 5.1-1), or the acquisition and preservation of off-site habitat that currently supports this species, thereby providing for the continued viability and protection of this species (Mitigation Measure 5.1-2).

5.1-1 Impact 5.1-1: *Because the combined acreage of both parcels is too small to create an adequate mitigation area within the project site, each sagebrush loeflingia plant occurring on VTTM 060291 shall be relocated to a suitable off-site location. The applicant shall consult with the City of Lancaster and the California Department of Fish and Game (CDFG) to identify an appropriate off-site mitigation area; the final selection of an appropriate site shall be approved by the City and CDFG prior to the issuance of a grading permit by the City for either parcel.*

Once an adequate site has been selected and approved by the City and CDFG, a mitigation and monitoring plan shall be prepared that addresses transplanting procedures, location, success criteria, maintenance, etc., and shall be approved by the City and CDFG prior to issuance of a grading permit for either parcel. The Plan shall state that all relocated sagebrush loeflingia plants shall be maintained for a minimum of five years to ensure that each plant has been successfully established, and that any mortality of a plant shall be replaced and the five-year maintenance period shall start over for each plant replaced. At the end of the five-year maintenance period, a qualified biologist shall determine the success of all mitigated sagebrush loeflingia plants.

5.1-2 Impact 5.1-1: *As an alternative to Mitigation Measure 5.1-1 above, the applicant shall coordinate with the City and the CDFG to identify an off-site location within the region that currently supports at least five sagebrush loeflingia plants. The selected site shall be approved by the City and CDFG and acquired by the applicant prior to the issuance of a grading permit by the City for either parcel. Appropriate measures shall be taken, as approved by the City and CDFG, that will ensure that the acquired site will be preserved in perpetuity.*

Potential Impact 5.1-2: The DEIR at Impact 5.1-2 identifies that the Project may have a significant impact on identified special-status wildlife species, including the silvery legless lizard, a California Species of Special Concern; the coast horned lizard; the Western burrowing owl, a California Species of Special Concern; the loggerhead shrike, merlin, and LeConte's thrasher, California Species of Special Concern; and the white-tailed kite, a California Fully Protected Species. The potential impact on these species exceeds the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: "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 the CDFG or USFWS," and "Substantially reduce the number or restrict the range of an Endangered, Rare, or Threatened species" as set forth in Section 15065(a) of the CEQA Guidelines.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant by the implementation of Mitigation Measures 5.1-3, Mitigation Measure 5.1-4, and Mitigation Measure 5.1-10.

Facts in Support of Finding: The DEIR at Impact 5.1-2 identifies that the Project may have a significant impact on the silvery legless lizard, a California Species of Concern, which was observed on the site during 2005 surveys. Although not observed on the site, the coast horned lizard has the potential to occur on the project site. Development of the Project would result in the disturbance of 29 acres of land that provide suitable habitat to these two species; however, implementation of Mitigation Measure 5.1-3 would reduce this impact to Less Than Significant as it provides for the relocation of any silvery legless lizards or coast horned lizards that are found on site to an appropriate off-site location.

5.1-3 Impact 5.1-2: The applicant shall retain a qualified biologist with a CDFG Scientific Collection Permit and Memorandum of Understanding to conduct preconstruction surveys for the silvery legless lizard and coast horned lizards in areas that would be disturbed within the project site. All silvery legless lizards and coast horned lizards observed within the project site during preconstruction surveys shall be relocated, at the approval of the City and CDFG, to an approved site with suitable habitat for these species. Surveys and relocation of lizards may occur prior to construction; however, focused surveys must occur within 30 days prior to construction to ensure that no silvery legless lizards or coast horned lizards are present within the project site during construction. Survey and relocation methods shall be approved by the CDFG prior to commencement of grading.

Impact 5.1-2 also identified the presence of suitable habitat for the western burrowing owl on the Project site, and should the site be inhabited by burrowing owls, development of the Project would have a significant impact on this species. However, implementation of Mitigation Measure 5.1-4 which sets forth those measures that should be taken to avoid the direct loss of any individual owls or active owl nests within potential burrow sites, will reduce the potential direct loss of burrowing owls to Less Than Significant.

5.1-4 Impact 5.1-2: The applicant shall retain a qualified biologist to conduct preconstruction burrowing owl surveys, pursuant to CDFG protocols, within appropriate habitat on the project parcels, and within 500 feet of the parcels (if suitable habitat exists). The surveys shall be equally-spaced and conducted no more than 30 days prior to commencement of construction activities. If owls are observed on either VTTM 060291 or VTTM 060664 during the breeding season, no construction-related activities shall occur until it is determined by a qualified biologist that the burrows are no longer occupied and that no direct impacts to owls would occur. If burrowing owls are observed using burrows during the wintering season, or after young have fledged following the conclusion of the breeding season, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995) and as specified by a qualified biologist with a CDFG Scientific Collection Permit and Memorandum of Understanding. If breeding

burrowing owls are determined to be present during preconstruction surveys, a minimum of 6.5 acres for each pair of breeding burrowing owls or single unpaired resident owl determined to be present of the 42 acres of desert habitat purchased under Mitigation Measure 5.1-6 shall be considered suitable for supporting burrowing owls.

If burrowing owls are determined to be breeding on the site based on the preconstruction survey, a mitigation plan subject to review and approval of the CDFG shall be prepared. At a minimum, the mitigation plan shall contain the following information: (1) the location of on-site or off-site areas to be preserved as burrowing owl habitat; (2) activities/measures to be implemented to enhance the identified preserve areas to attract burrowing owls (including the construction of artificial burrows); (3) monitoring and management protocols and schedules to be implemented at the preserve areas; (4) criteria for success; and (5) funding to support all habitat enhancement, monitoring, and management actions associated with the preserved area. The plan shall be prepared by a qualified biologist and shall be reviewed by the CDFG prior to any evictions of occupied burrowing owl burrows and an agreement finalized binding the applicant to the conditions of the plan.

The loggerhead shrike and merlin are both California Species of Special Concern and were both observed on the project site during spring, summer and winter surveys conducted during 2005. Both parcels contain suitable foraging and nesting habitat for the loggerhead shrike and suitable over-wintering habitat for the merlin. Individual shrikes could be lost if grading/construction occurs during the nesting season, therefore implementation of Mitigation Measure 5.1-10 which provides for the avoidance of any active nests found on the site prior to grading/construction would reduce potential impacts to the loggerhead shrike and merlin to Less Than Significant. Although not observed on the Project site, the site has suitable habitat for the white-tailed kite and the LeConte's thrasher which could nest or forage on the site. Construction-related activities could therefore impact a nest that may be present on the site. Implementation of Mitigation Measure 5.1-10 which provides for the avoidance of any active nests found prior to grading/construction will also reduce potential impacts to the white-tailed kite and LeConte's thrasher to Less Than Significant.

5.1-10 Impacts 5.1-2 and 5.1-12: *Within 30 days of ground disturbance, activities associated with construction or grading that would occur during the nesting/breeding season of a native bird species potentially nesting on either VTTM 060291 and/or VTTM 060664 (as determined by a qualified biologist), the applicant shall have nest surveys conducted on both parcels by a qualified biologist (e.g., experienced with the nesting behavior of bird species of the region). The intent of the surveys would be to determine if active nests of bird species protected by the MBTA and/or the California Fish and Game Code are present in the construction zone or within 300 feet (500 feet for raptors) of the construction zone. The surveys shall be timed such that the last survey is concluded no more than three days prior to initiation of clearance/construction work. If ground disturbance activities are delayed, then additional pre-construction surveys shall be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities.*

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barrier, and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of Lancaster within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

Finally, it should be noted that although the yellow warbler, a California Species of Special Concern, was observed on VTTM 060291 during 2005 surveys, suitable habitat for nesting (i.e., riparian habitat) does not exist on site for this species, and therefore the DEIR determined that the Project would not have a significant impact on the yellow warbler. Also, although a Cooper's hawk was observed on VTTM 060291 during the 2005 surveys, suitable habitat for nesting (i.e., tall trees within riparian or woodland systems) does not occur on either parcel, and therefore the DEIR concluded that implementation of the Project would not result in a direct loss or significant impact to this species.

Potential Impact 5.1-3: The DEIR at Impact 5.1-3 identifies that the Project may have a significant impact on certain special-status wildlife species because the Project provides suitable nesting and foraging habitat for several species, including the burrowing owl, loggerhead shrike, white-tailed kite, merlin, Cooper's hawk, and LeConte's thrasher, silvery legless lizard and possibly the coast horned lizard.

Finding: The City hereby determines that this potentially significant impact is Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: Given the mobility of most of these species, the abundance of suitable nesting and breeding habitat for these species in the region, the fragmented nature of these two parcels from larger native desert habitats in the region, and that none of the bird species were observed using the Project site for nesting activities, the reduction in breeding/foraging habitat as a result of Project implementation is not expected to have a substantial adverse effect on these species. Therefore, the loss of the Project site with respect to breeding/foraging activities for these species is considered Less Than Significant, and does not exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: "*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 the CDFG or USFWS,*" and "*Substantially reduce the number or restrict the range of*

an Endangered, Rare, or Threatened species” as set forth in Section 15065(a) of the CEQA Guidelines.

Potential Impact 5.1-4: The DEIR at Impact 5.1-4 identifies that the Project may have a significant impact on a special-status wildlife species due to the increase in light and glare that may potentially be generated by the Project which may exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: “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 the CDFG or USFWS,” and “Substantially reduce the number or restrict the range of an Endangered, Rare, or Threatened species” as set forth in Section 15065(a) of the CEQA Guidelines.

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant by the implementation of Mitigation Measure 5.1-5.

Facts in Support of Finding: Although VTTM 060291 could produce additional sources of light and glare, existing residential development and the lighted playing fields at the Rawley Duntley Park already generate light sources that could affect these species, and therefore, the incremental increase of nighttime light and glare from the streetlights and residences within VTTM 060291 would not be substantial. Nevertheless, the DEIR identified Mitigation Measure 5.1-5 which requires the development of a lighting plan to minimize light spillage into the Prime Desert Woodland Preserve (PDWP) which would reduce the potential light and glare impacts on the PDWP to Less Than Significant.

5.1-5 Impact 5.1-4: *The applicant shall develop a lighting plan in coordination with a qualified biologist. The lighting plan shall require that all lighting be directed and shielded so as to minimize light spillage into the adjacent PDWP. Mercury vapor and halide lighting shall not be used along the southern boundary of VTTM 060291 and adjacent PDWP to the south. The lighting plan shall be subject to approval by the City of Lancaster. CC&Rs shall be recorded on VTTM 060291 that require distribution of this pamphlet to all new owners of lots along the southern tract boundary at each property transfer.*

Potential Impact 5.1-5: The DEIR at Impact 5.1-5 identifies that the Project may have a significant impact on a sensitive plant community as a result of the direct loss of Joshua tree woodland which is considered “Rare,” by the CDFG, and native desert vegetation characteristic of Prime Desert Woodland which may exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: “Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS.”

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant by the implementation of Mitigation Measure 5.1-6.

Facts in Support of Finding: The majority of the project acreage is covered with native desert plant communities characteristic of the Antelope Valley. Joshua tree woodland which is considered “Rare” by CDFG, California juniper woodland, rubber rabbitbrush scrub, and big sagebrush scrub comprise the on-site plant communities characteristic of a Prime Desert Woodland. Implementation of the Project would result in the net loss of approximately 21 acres of vegetation/habitat characteristic of what the City defines as a Prime Desert Woodland; this includes the loss of approximately 12 acres of Joshua tree woodland. Because of the ecological importance of Prime Desert Woodland vegetation, and the sensitivity of Joshua tree woodland, the net loss of this habitat by Project implementation would be considered a significant impact; however, with implementation of Mitigation Measure 5.1-6 which provides for the off-site acquisition and preservation of at least 42 acres (e.g., 2:1 mitigation ratio) of desert woodland habitat, the loss of the 21 acres of this habitat on the Project site will be mitigated to less than significant. The mitigation through off-site acquisition and preservation is also supported by CDFG.

5.1-6 Impact 5.1-5: The project applicant shall identify, acquire, and preserve a minimum of 42 acres (2:1 ratio for that amount impacted on the project site) of desert woodland habitat to offset the permanent loss of this habitat on the project site. The property shall be located in the region and adjacent to large protected areas of similar type habitat. The land shall be acquired and preserved prior to the issuance of a grading permit by the City for either tract. The habitat to be preserved shall be in-kind and similar in function and value to that of the project site and shall be approved by the City and the CDFG.

Potential Impact 5.1-6: The DEIR at Impact 5.1-6 identifies that the Project may have a potentially significant impact on the Prime Desert Woodland Preserve due to fragmentation and loss of connectivity through Project implementation.

Finding: The City hereby determines that this potentially significant impact is adverse, but Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: According to the PDWP assessment prepared by Impact Sciences in 2005 and revised May 5, 2006, and included at Appendix 5.1 to the DEIR, the PDWP is already substantially fragmented from other native desert habitats in the region, and such fragmentation is expected to result in an ongoing reduction of seed recruitment and dispersal, faunal relaxation, and reduced species diversity. In addition, because of the small size and irregular shape of the PDWP, the PDWP is experiencing degradation due to “edge effects” from already-existing, adjacent development. While the native habitat present on the Project site may serve as a “buffer” for the PDWP, the Project site is also fragmented from other native habitats and experiencing “edge effects.” Because the PDWP is already surrounded by urban development to the east, south and west and lacks habitat linkages to large open space areas, the development of the Project would not substantially decrease the habitat quality of the PDWP beyond what is already occurring as a result of existing conditions (fragmentation and edge effects). Preservation of the Project site would not substantially slow the effects of fragmentation and edge effects to the PDWP; therefore, although the direct impacts on the DPWP by the

Project would be adverse it is considered Less Than Significant as it would not exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS.”*

Potential Impact 5.1-7: The DEIR at Impact 5.1-7 identifies that the Project may have a potentially significant impact on the Prime Desert Woodland Preserve due to the increased human and domestic animal presence.

Finding: The City hereby determines that this potentially significant impact is adverse, but Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: Although the Project would result in increased human occupation of the Project area and adjacent to the PDWP, as the PDWP together with VTTMs 060291 and 060664 is essentially surrounded by urban development already and not directly connected to other native desert habitats in the region, this fragmentation has already resulted in the degradation of the PDWP, particularly at the edges of the Preserve due in part to historical and ongoing human and domestic animal use of the PDWP. The assessment prepared by Impact Sciences in 2005 and revised May 5, 2006, and included at Appendix 5.1 to the DEIR, provides additional information regarding the condition of the PDWP and how existing development has impacted the PDWP. The Project proposes a 6-foot masonry wall that would be erected between VTTM 060291 and the PDWP which would decrease the amount of urban noise on the PDWP and serve to prohibit or at least restrict and minimize access to the PDWP by humans and domestic animals. Therefore, in light of the fact that existing urban development already occurs around the PDWP, and the mitigating effect of the masonry wall proposed as part of the Project, the potential increase in human presence and domestic animals and their resultant impact on the PDWP is not expected to adversely affect the PDWP to a degree that is more substantial than currently exists. Therefore, impacts on the PDWP due to the Project’s incremental increase in human and domestic animal presence are considered to be less than significant, and no mitigation measures are required.

Potential Impact 5.1-8: The DEIR at Impact 5.1-8 identifies that the Project may have a potentially significant impact on the Prime Desert Woodland Preserve due to the increase in non-native plant species which may exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFG or USFWS.”*

Finding: The City hereby makes Finding 1 and determines that this potentially significant impact is Less Than Significant by the implementation of Mitigation Measures 5.1-7 and 5.1-8.

Facts in Support of Finding: The Project would introduce invasive ornamental and weed plants to each parcel from landscaping around the residences which could introduce additional invasive species to the PDWP. This could have a substantial adverse effect on the sensitive native plant communities in the PDWP, and thus could result in a potentially significant impact. The DEIR, however, proposes implementation of two mitigation measures that would require the preparation of a Landscaping Plan and Covenants, Conditions and Restrictions that encourage residents to plant native plants, and inform residents of non-native/invasive plants that should be avoided. These measures together with the 6-foot masonry wall that will be constructed between VTTM 060291 and the PDWP would reduce impacts on the PDWP to a less than significant level. The mitigation measures are as follows:

5.1-7 Impact 5.1-8: Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded on VTTM 060291 and VTTM 060664 that require the applicant to prepare a Landscaping Plan subject to review and approval by a qualified biologist and the City's Landscape Architect. The plan shall include a plant palette composed of non-invasive species that are adapted to the conditions found within either parcel. The Landscaping Plan shall also include a list of invasive plant species that should be avoided from being planted within VTTM 060291 and VTTM 060664, including those listed in Table 5.1-3, Plant Species to be Avoided During Landscaping on VTTM 060291 and VTTM 060664, of the Draft EIR for VTTM 060291 and VTTM 060664.

5.1-8 Impact 5.1-8: CC&Rs shall be recorded on VTTM 060291 and VTTM 060664 that includes a list of invasive plant species that shall be avoided from being planted within their properties (including the list in Table 5.1-3, Plant Species to be Avoided During Landscaping on VTTM 060291 and VTTM 060664 in Mitigation Measure 5.1-7), along with educational materials emphasizing the importance of keeping invasive plants from crossing over into the PDWP to the south. CC&Rs shall be recorded on VTTM 060291 and VTTM 060664 that require distribution of this pamphlet to the new owner at each property transfer.

Potential Impact 5.1-9: The DEIR at Impact 5.1-9 identifies that the Project may have a potentially significant impact on jurisdictional waters regulated by the CDFG and the Regional Water Quality Control Board (RWQCB) which may exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“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 and determines that this potentially significant impact is Less Than Significant by the implementation of Mitigation Measure 5.1-9.

Facts in Support of Finding: There is a 0.03 acre of isolated jurisdictional waters on VTTM 060291 which is subject to the regulatory jurisdiction of the CDFG under the Fish and Game Code Section 1600 et seq., and the Regional Water Quality Control Board's

authority to regulate discharges of “waste” into waters of the State under the Porter-Cologne Water Quality Control Act. Because this is an isolated jurisdictional feature, the U.S. Army Corps of Engineers does not have any jurisdiction over this area under the federal Clean Water Act. Construction of the Project would result in the permanent fill of the 0.03 acre area which would be a significant impact; however, with implementation of Mitigation Measure 5.1-9 which requires the applicant to obtain all necessary permits and agreements from CDFG and RWQCB, and implement all conditions and requirements set forth in those agreements and permits, this impact would be reduced to Less Than Significant. Mitigation Measure 5.1-9 provides as follows:

5.1-9 Impact 5.1-9: *Prior to the issuance of a grading permit for VTTM 060291, the applicant shall obtain all required agreements from the RWQCB and the CDFG and comply with all conditions contained in those agreements.*

Potential Impact 5.1-10: The DEIR at Impact 5.1-10 identifies that the Project may have a potentially significant impact if it were to interfere with established wildlife corridors, the effect of which could exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.”*

Finding: The City hereby determines that the Project’s impact is Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: Due to the fragmentation of natural open space areas throughout the City, as well as urban development and streets that already surround the Project and the adjacent PDWP, neither VTTM 060291 nor VTTM 060664 are integral parts of a regional wildlife corridor because neither links together large areas of wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or by human disturbance. There are no regional or migratory wildlife corridors that have been identified by the City or state resource agencies as occurring within the Project site, and therefore neither parcel is considered to be an integral part of an identified wildlife corridor. Moreover, as urban development and roadways already surround the PDWP, the existing conditions limit wildlife movement from the PDWP to other larger areas of open space. Therefore, impacts to wildlife movement corridors are considered Less Than Significant.

Potential Impact 5.1-11: The DEIR at Impact 5.1-11 identifies that the Project may have a potentially significant impact if it were to result in the loss of foraging and nesting habitat for common wildlife species which could exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“Substantially reduce the habitat of a fish or wildlife species.”*

Finding: The City hereby determines that the Project’s impact is Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: The plant communities within the Project provide foraging and breeding habitat for a number of small mammals, reptiles, and invertebrates that in turn provide a source of prey for a variety of common and special-status bird species. Implementation of the Project would result in the loss of approximately 29 acres of foraging and nesting habitat used by these non-sensitive species. Given the mobility of most of the wildlife species known to occur and use these parcels, the relatively fragmented nature of the parcels and the PDWP, and the relative abundance of suitable foraging and nesting habitat in the region, the loss of these 29 acres would not be expected to have a substantial adverse effect on the common wildlife species occurring or potentially occurring on the site and therefore impacts of the Project are considered Less Than Significant.

Potential Impact 5.1-12: The DEIR at Impact 5.1-12 identifies that the Project may have a potentially significant impact if it were to cause the loss of common wildlife species such that the loss exceeds the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: “Cause a fish or wildlife population to drop below self-sustaining levels.”

Finding: The City hereby determines that the Project’s impact to common mammal and reptile species is Less Than Significant, and that no mitigation measures are required. With respect to common bird species, the City hereby makes Finding 1 and determines that while the impact may be potentially significant, implementation of Mitigation Measure 5.1-10 will reduce the impact to Less Than Significant.

Facts in Support of Finding: Project construction and grading activities would directly disturb common wildlife species within the Project site; however, because of the common nature of the species that would be displaced or inadvertently lost by construction (e.g., grading) activities, because of the existence of the PDWP to the south of the Project, and because of the extensive areas of other open space that surrounds the City, the direct loss of common wildlife during Project implementation is not expected to reduce populations to below self-sustaining levels or otherwise substantially affect common mammal or reptile species populations within the Project site, and therefore, impacts to common mammal and reptile species are considered Less Than Significant. As to common bird species known to nest at the Project site, implementation of Mitigation Measure 5.1-10 which provides for the avoidance of any active nests, including those of common bird species, found on the site prior to grading/construction, would mitigate this impact to Less Than Significant. Mitigation Measure 5.1-10 provides as follows:

5.1-10 Impacts 5.1-2 and 5.1-12: Within 30 days of ground disturbance, activities associated with construction or grading that would occur during the nesting/breeding season of a native bird species potentially nesting on either VTTM 060291 and/or VTTM 060664 (as determined by a qualified biologist), the applicant shall have nest surveys conducted on both parcels by a qualified biologist (e.g., experienced with the nesting behavior of bird species of the region). The intent of the surveys would be to determine if active nests of bird species protected by the MBTA and/or the California Fish and Game

Code are present in the construction zone or within 300 feet (500 feet for raptors) of the construction zone. The surveys shall be timed such that the last survey is concluded no more than three days prior to initiation of clearance/construction work. If ground disturbance activities are delayed, then additional pre-construction surveys shall be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors), or at a distance deemed sufficient by the qualified biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barrier, and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of Lancaster within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

Potential Impact 5.1-13: The DEIR at Impact 5.1-13 identifies that the Project may have a potentially significant impact if it were to result in the elimination of non-native grassland, a common plant community, which exceeds the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“Threaten to eliminate a plant or animal community.”*

Finding: The City hereby determines that the Project’s impact is Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: The Project would result in the development of approximately 4 acres of non-native grassland on the Project site. This plant community is disturbed, does not support known populations of any special-status species, and is not considered sensitive by any resource agencies. Because non-native grassland is common in the Project area, the development of this site would not eliminate or threaten to eliminate this plant community and therefore, the impact is Less Than Significant.

Potential Impact 5.1-14: The DEIR at Impact 5.1-14 identifies that the Project may have a potentially significant impact if it were to conflict with any local policy or ordinance protected biological resources and exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.”*

Finding: The City hereby determines that the Project’s impact is Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: The City does not have a Joshua tree or California juniper tree preservation policy or ordinance; however, Goal 3 within the General Plan, Objective 3.4, and its associated policies provide for the identification, preservation and maintenance of important biological systems within the Antelope Valley, including Prime Desert Woodlands and desert washes. The Project is consistent with Policy 3.4.1 in that mitigation measures have been identified for the Project which will provide for the avoidance of direct loss of special-status plants and animals, and that mitigate the cumulative loss of sensitive habitats. The Project is consistent with Policy 3.4.2 in that although approximately 21 acres of the Project is characteristic of prime desert woodlands, it is not currently designated as such by the City. In addition, mitigation measures will require the applicant to protect approximately 42 acres of desert habitat off-site which provides additional protection of this habitat type. The Project is consistent with Policy 3.4.3 in that agreements with CDFG and RWQCB will be executed to address impacts to a 0.03 isolated jurisdictional feature. Although this feature is not a significant desert wash area, the Project will mitigate its impacts to jurisdictional waters. Policy 3.4.4 is not applicable to the Project as it is not located near the Poppy Preserve or the Fairmont and Antelope Buttes. The Project is consistent with Policy 3.4.5 in that a biological resource assessment has been prepared to analyze the short and long-term impacts and appropriate mitigation has been identified for implementation. Finally, the Project is consistent with Policy 3.4.6 in that through implementation of Mitigation Measures 5.1-7 and 5.1-8, residents will be educated regarding the impact of non-native species and invasive species on the protection of local biological resources.

Note: *There is no Impact 5.1-15.*

Potential Impact 5.1-16: The DEIR at Impact 5.1-16 identifies that the Project may have a potentially significant impact if it were to exceed the following CEQA Significance Criterion stated on page 5.1-34 of the DEIR: *“Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan”*

Finding: The City hereby determines that the Project has no impact, and that no mitigation measures are required.

Facts in Support of Finding: The Project is not subject to a habitat conservation plan or natural community conservation plan, and therefore the Project would not conflict with either. The Prime Desert Woodland Sites Policy Study prepared in 1989 is neither a Habitat Conservation Plan (HCP) nor a Natural Community Conservation Plan (NCCP). Although the proposed Western Mojave Coordinated Management Plan would address certain desert habitats, this plan has not been adopted. As a result, the Project has no impact under this significance criteria.

Potential Cumulative Impact: The Project would permanently convert approximately 21 acres of vegetation characteristic of what is referred to as “prime desert woodland.” Over the last 10-15 years, there has been a substantial cumulative loss of this plant

community in the City as urban development has occurred. The ongoing loss and fragmentation of desert habitat can result in a reduction in biological diversity, loss of habitat connectivity, and an overall reduction in the amount of desert habitats for a variety of plant and wildlife species. In order to address this loss, the City has established several programs and policies to minimize cumulative impacts. In the 1990's the City created the 125-acre PDWP in part to offset ongoing losses of prime desert woodland habitat within the City. The City's General Plan also contains several policies and goals to encourage the preservation of native desert habitat. Finally, in October 2005, the City adopted Ordinance No. 848 requiring the imposition of a biological impact fee on new development projects to address the cumulative loss of habitat throughout the region. In addition to these regional efforts, the Project will preserve a minimum of 42 acres of in-kind habitat.

Finding: The City hereby determines that with implementation of this Project mitigation measure together with the City's programs and policies, the Project's contribution to the cumulative loss of prime desert woodland habitat is considered Less Than Significant.

Facts in Support of Finding: The ongoing loss and fragmentation of desert habitat can result in a reduction in biological diversity, loss of habitat connectivity, and an overall reduction in the amount of desert habitats for a variety of plant and wildlife species. In order to address this loss, the City has established several programs and policies to minimize cumulative impacts. In the 1990's the City created the 125-acre PDWP in part to offset ongoing losses of prime desert woodland habitat within the City. The City's General Plan also contains several policies and goals to encourage the preservation of native desert habitat. Finally, in October 2005, the City adopted Ordinance No. 848 requiring the imposition of a biological impact fee on new development projects to address the cumulative loss of habitat throughout the region. In addition to these regional efforts, the Project will preserve a minimum of 42 acres of in-kind habitat. With implementation of this Project mitigation measure together with the City's programs and policies, the Project's contribution to the cumulative loss of prime desert woodland habitat is considered Less Than Significant.

B. TRANSPORTATION AND CIRCULATION

The thresholds of significance criteria for Transportation and Circulation impacts are set forth on page 5.2-17 of the DEIR, and are as follows:

- (1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections);
- (2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways;
- (3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;

- (4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- (5) Result in inadequate emergency access;
- (6) Result in inadequate parking capacity; and/or
- (7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)

The City's Initial Study, circulated with the Notice of Preparation, and contained in the Draft EIR at Appendix 1.0, concluded that because of the nature of the Project it would not affect air traffic patterns or would be affected by air traffic and therefore the Project had no impact relative to Criterion 3. The Initial Study also found that all streets adjacent to the Project would be constructed in accordance with City standards to minimize hazardous roadway conditions, and that all internal roads on the Project and means of ingress/egress would be subject to design review and comment by the County Fire Department so the Project would not exceed Criteria 4 and 5. All parking for on-site uses would occur on site and would be constructed in accordance with City parking requirements so the Project would have no impact on Criterion 6. Finally, the Project would be designed to provide sidewalks and connections to existing pedestrian access, but as the subdivision is so small it would not support a bus route and single family residential development are not required to have bicycle racks. Therefore, the design of the Project will be consistent with City policies for alternative transportation would have no impact relative to Criterion 7.

With respect to Criteria 1 and 2, the City has adopted Level of Service (LOS) D as the minimum acceptable operation standard for intersection, and for freeway segments located in the City, the City's criteria for intersections are applicable (LOS D); however, within the County, LOS E is acceptable to Caltrans and the MTA. The specific traffic criteria are set forth on page 5.2-18 of the DEIR.

Potential Impact: The DEIR identifies that the Project may have a significant impact from construction traffic if it should exceed Criterion 1 or 2 set forth above.

Finding: The City hereby determines that this potentially significant impact is Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: Using data from URBEMIS2002, an air quality model approved for use in the Antelope Valley Air Quality Management District, it was determined that on average, there would be an average of 17 passenger vehicles and 2 light-duty trucks transporting construction workers to and from the site. These numbers of construction worker vehicle trips would not adversely affect regional or local roadway operations and would not exceed Criteria 1 or 2, above. In addition, there would be trucks used to deliver construction equipment and building supplies to the Project and haul away construction debris. Because construction materials and equipment would be delivered to the Project site within a limited timeframe, large numbers of trucks are not expected to use local roadways on a daily basis and would not adversely affect regional or local roadway operations, and would not exceed either Criteria 1 or 2.

Potential Impact: The DEIR identifies that the Project may have a significant impact on long-term operational traffic if it should exceed Criterion 1 or 2 set forth above.

Finding: The City hereby makes Finding I that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of long-term operational traffic as identified in the FEIR.

Facts in Support of Finding: Trip generation estimates were calculated for the Project based upon the ITE Trip General Manual for Single Family Detached Housing. The Project is expected to generate approximately 1,005 trips per day of which 79 would be during the AM peak hour and 106 would be during the PM peak hour. The operational characteristics of the roadways within the Project study area developed under the traffic study were analyzed for Baseline Conditions with Project for the AM and PM peak hours. The study indicated that all of the key roadway segments would operate at LOS C or better within the baseline plus project traffic volumes. As mitigation, the Project would construct Avenues K and K-4 to their master-planned widths. By doing so, the widening of Avenue K-4 to City standards would improve vehicular circulation even further, and roadway connections would operate at LOS A assuming the proposed configuration. Off-site impacts to non-CMP intersections were also analyzed. The traffic study indicated that all of the study-area intersections would continue to operate at LOS C or better under baseline plus project conditions. Although the Project would not result in a significant impact to Project study area intersections, it would still be responsible for its fair-share of the City's long range improvements that are assumed to be developed in accordance with the City's General Plan. The proposed Project's fair share costs would be paid as a development impact fee, the amount of which would be determined through the Urban Structure Program and made a condition of the Project pursuant to Mitigation Measure 5.2-4. As required by the Congestion Management Plan or CMP, a Traffic Impact Assessment was prepared to determine if the Project would result in potential impacts at designated monitoring locations on the CMP highway system. With respect to intersections, none of the intersections in the vicinity of the Project are included in the CMP arterial network, and there are no CMP intersections with the City. As a result, the Project has no impact on CMP intersections. With respect to freeway segments, the Project would add a maximum of 48 peak hour trips to both directions of SR-14 south of Avenue K during the PM peak hour. Because the Project would add less than 150 peak hour trips to this segment, no further review of potential impacts to CMP freeway segments was required.

Finally, the Project's consistency with General Plan policies was analyzed. The Project is consistent with Policies 14.1.1, 14.1.2, and 14.1.3 because it would improve Avenue K and Avenue K-4 along the Project frontage to their full General Plan configuration. The Project is consistent with Policy 14.1.4 because it would be designed to comply with City design requirements for streets and traffic controls. The Project is consistent with Policy 14.1.5 because under the Urban Structure Program, the Project would be required to provide for the costs of long-term maintenance of on-site roadways should project-generated revenues not be sufficient. The Project is consistent with

Policies 14.12.1 and 14.12.2 because it will not create a roadway network impacting sensitive biological resources, and does not affect a scenic highway. The Project is consistent with Policy 14.12.3 because roadways within the Project site, Avenue K and Avenue K-4 along the Project frontage will be designed and constructed per City design standards. The Project is consistent with Policy 14.4.5 in that it includes on-site sidewalks. Finally, the Project is consistent with Policy 15.1.1 and the City's Urban Structures Program because all intersections would continue to operate above the City's standard of LOS D during peak hours after Project implementation.

With implementation of the following mitigation measures, the Project's traffic impacts are Less Than Significant:

5.2-1 Within VTTM 060291, proposed A, D, and E Streets shall be 36 feet wide to accommodate on-street parking on both sides and a minimum 20-foot access width for emergency vehicles. Roadways shall be fully developed with curb, gutter and sidewalk throughout the parcel. The pedestrian circulation system shall connect to the sidewalk on Avenue K-4.

5.2-2 Within VTTM 060664, proposed A Street and the on-site extensions of Calle Serena, Calle Estrada, and Stillmeadow Lane shall be 36 feet wide, and shall be fully developed with curb, gutter and sidewalk throughout the site. The pedestrian circulation system shall connect to the sidewalks present on the existing connecting roads.

5.2-3 The project developer(s) shall construct Avenues K and K-4 abutting VTTM 060291 and 060664 to their master planned width, including sidewalks and curbs.

5.2-4 Consistent with the requirements of the Urban Structure Program, the project developer(s) shall pay the project's fair share of the City's street improvement fee and traffic signalization fee prior to issuance of building permits.

Potential Cumulative Impact: Cumulative traffic volume forecasts were developed for the Project study area roadways and intersections assuming a 3 percent growth rate, and completion of the Project and the projects listed in the City's Development Summary Activity Report and the Residential Project Location Map.

Finding: The City hereby determines that Project does not result in a significant cumulative traffic impact.

Facts in Support of Finding: Trip generation estimates were developed for the cumulative projects using the rates presented in the ITE Trip Generation Manual – 7th edition. The cumulative project scenario assumed roadway and intersection improvements at locations where future projects were proposed. The cumulative traffic analysis indicates that four roadway segments would operate below the City's LOS D standard under the cumulative plus project condition; however, the Project would not exceed the roadway impact threshold of V/C 0.02 on these roadway segments, and therefore the Project would not result in a significant cumulative traffic impact.

C. AIR QUALITY

The thresholds of significance criteria for Air Quality impacts are set forth on pages 5.3-9 and 5.3-10 of the DEIR, and are as follows:

- (1) Conflict with or obstruct implementation of the applicable air quality plan;
- (2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- (3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- (4) Expose sensitive receptors to substantial pollutant concentrations; and/or
- (5) Create objectionable odors affecting a substantial number of people.

The City's Initial Study, circulated with the Notice of Preparation, and contained in the Draft EIR at Appendix I.0, concluded that the Project would not conflict with or obstruct implementation of the applicable air quality plan, which is the Antelope Valley Air Quality Management District's (AVAQMD) 2004 Ozone Attainment Plan, dated April 20, 2004 and therefore would not exceed and have no impact relative to Criterion 1. The Initial Study also concluded that the Project would not create objectionable odors during either construction or operation and would have no impact relative to Criterion 5; however, as a result of comments on the NOP, this issue is considered in the DEIR as it relates to construction impacts only. Utilizing the AVAQMD Guidelines and the 2004 Ozone Attainment Plan, the significance of the Project with respect to air quality is assessed relative to the following revised impact criteria:

- (2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- (3) Generate total emissions (direct or indirect) exceeding the AVAQMD's thresholds for the criteria pollutants; and
- (5) Create objectionable odors affecting a substantial number of people during construction.

Potential Impact: The DEIR identified construction air quality impacts as a potentially significant impact if it were to exceed the CEQA significance criteria for CO, VOC, NOx, SOx, and PM10 established by the AVAQMD.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of short-term construction noise as identified in the FEIR. However, the City has determined that while the above-described impact can be partially mitigated by the mitigation measures identified below, this impact cannot be mitigated to a less than significant level. There are no other feasible mitigation measures

or alternatives that would reduce this impact to an acceptable level. Therefore, the City hereby also makes Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of Project approval.

Facts in Support of Finding: An air quality analysis of construction air emissions was prepared estimating the unmitigated construction emissions from construction activities such as grading, infrastructure construction, and building over the approximately 104 week construction period. Based upon these calculations, the DEIR found that the Project's construction-related emissions would exceed one or more of the AVAQMD's criteria pollutant thresholds during the first 44 weeks of construction; however, no thresholds would be exceeded during the remaining 60 weeks of construction. Because construction emissions would exceed one or more of the AVAQMD thresholds, the emissions levels are considered significant in the short-term. Compliance with Rule 403 of the AVAQMD's regulations which regulate fugitive dust emissions would result in less than significant impacts on nearby sensitive receptors including adjacent residences and the Nancy Corey Elementary School. With or without the use of low sulphur diesel fuel in construction equipment, the DEIR concluded that the construction equipment would not create objectionable odors affecting a substantial number of people. Therefore, during construction the project would not expose sensitive receptors to significant levels of fugitive dust, diesel exhaust soot, and objectionable odors resulting in a Less Than Significant impact under Criteria 4 and 5 above. The DEIR also examined whether construction activities could aggravate health problems, such as Valley Fever, and concluded that the fugitive dust control measures required under Rule 403 of the AVAQMD and imposed on the Project as Mitigation Measure 5.3-1, would mitigate the risk of Valley Fever or any other significant or unique health risk associated with ground disturbing activities, such as grading. With implementation of Mitigation Measure 5.3-1, fugitive dust impacts would be reduced to Less Than Significant during construction.

5.3-1 To reduce fugitive dust emissions during grading operations, develop and implement a dust control plan, as approved by the City, that includes the following measures or equivalently effective measures approved by the Antelope Valley Air Quality Management District (AVAQMD):

- a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).*
- b. Apply chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.*
- c. Water active grading sites at least three times daily.*
- d. Enclose, cover, water three times daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.*
- e. Replace ground cover in disturbed areas as quickly as possible.*

- f. *Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).*
- g. *Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.*
- h. *Sweep streets at the end of the day if visible soil material is carried over to adjacent roads.*
- i. *Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.*
- j. *Enforce traffic speed limits of 15 mph or less on all unpaved roads.*

In addition to fugitive dust impacts, construction emissions for NOx would be exceeded during the first 44 weeks of Project construction, and CO emissions would be exceeded for approximately 7 weeks during construction. Although alternative technologies exist that could reduce these emissions to below the thresholds, these technologies are currently unproven on a large scale and may not be feasibly applied to all construction equipment proposed for use on the Project. While the DEIR identifies Mitigation Measures 5.3-4 and 5.3-5, because the feasibility of these measures as applied to the Project is not known, construction emissions of NOx and CO are considered temporarily unavoidably significant even with the identification of the following measures.

5.3-4 Because newer construction equipment have validated reductions in NOx emissions, the project developer(s) shall, to the extent feasible, utilize post-1996 construction equipment on the project site in lieu of older equipment.

5.3-5 Construction equipment and vehicle engines shall be maintained in good condition and in proper tune as per manufacturers' specifications to minimize exhaust emissions.

Potential Impact: The DEIR identified operational air quality impacts as a potentially significant impact if it were to exceed any of the three significance criteria listed above.

Finding: The City hereby finds that the Project would have a Less Than Significant impact on operational air quality impacts; however, Mitigation Measures 5.3-2 and 5.3-3 which are required of the Project to comply with City requirements will further ensure that the impacts remain Less Than Significant.

Facts in Support of Finding: Operational air quality impacts are generated by point sources, area emissions and mobile source emissions. The Project does not have any land uses that would generate point source emissions, and therefore has no impact with respect to this element of operational air quality. With respect to area and mobile source emissions, area emissions would be generated by the consumption of natural gas for space and water heating devices, and during operation of gasoline-powered landscape

maintenance equipment and the use of consumer products. Mobile source emissions are generated by long-term, operational vehicle trips. The URBEMIS2002 model was used to calculate area and mobile source emissions which were then compared against the recommended AVAQMD thresholds for both the summertime and winter time periods. Under both time frames, the Project's operational source emissions did not exceed any of the thresholds established by AVAQMD for CO, VOC, NOx, SOx, or PM10 emissions, and therefore the DEIR concluded that the Project at build-out would not generate total emissions that would exceed AVAQMD recommended thresholds and that the operational air emission impacts are Less Than Significant, and no mitigation is required.

The Project's consistency with General Plan policies was also analyzed. The Project is consistent with Policy 3.3.2 and Policy 3.3.3. in that it will construct sidewalks along Avenue K and K-4 along the Project frontage to promote walking. The Project would be consistent with Policy 3.3.4 in that over the long-term it would not have an adverse impact on sensitive receptors. The Project is consistent with Policy 3.3.5 in that its air emissions analysis was prepared consistent with the guidelines established by AVAQMD. It is consistent with Policy 3.6.1 by developing infill areas which promotes efficient land use patterns. The Project is consistent with Policy 3.6.2 in that it incorporates energy efficient measures such as shade trees, dual-paned windows and minimum road widths. The Project will comply with Title 24 requirements thus making it consistent with Policy 3.6.4. Compliance with Mitigation Measures 5.3-2 and 5.3-3 ensures the provision of sidewalks and street lighting to promote the General Plan policies described above.

5.3-2 Construct sidewalks that connect to existing off-site sidewalks to facilitate and promote a safe walking environment within each parcel and in project vicinity.

5.3-3 Provide street lighting pursuant to City of Lancaster requirements to promote a safe walking environment within the project and its immediate vicinity.

Potential Cumulative Impact: Cumulative air quality impacts were analyzed in accordance with the AVAQMD Guidelines which states that a project is conforming if it complies with all District rules and regulations and is consistent with the growth forecasts in applicable plans.

Finding: The City hereby determines that no significant cumulative air quality impacts would result from Project implementation.

Facts in Support of Finding: The Project is consistent with the City's General Plan and would not conflict with or obstruct implementation of the 2004 Ozone Attainment Plan, and therefore is considered a conforming project as defined by the AVAQMD Guidelines. In addition, the Guidelines further state that a project's indirect and cumulative emissions are not significant if the project is a residential or commercial development whose population, employment, and traffic increases are consistent with local General Plan, and the local General Plan is consistent with the applicable attainment plan. As the Project is consistent with the City's General Plan and the General Plan is

consistent with the Ozone Attainment Plan, the Project would not result in a significant indirect or cumulative air quality impact.

D. NOISE

The thresholds of significance criteria for Noise impacts are set forth on page 5.4-6 of the DEIR, and are as follows:

- Expose persons to or generate noise levels in excess of standards established in the City's General Plan;
- Expose persons to or generate excessive groundborne vibration or groundborne noise levels;
- Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- Expose people residing or working in the project area to excessive noise levels associated with a public airport and/or private airstrip.

The DEIR determined that based upon the nature and location of the Project, it would not expose persons to excessive groundborne vibration or groundborne noise, would not create a substantial periodic and/or permanent increase in ambient noise levels, or expose people to noise associated with a public airport and/or private airstrip. Therefore the DEIR analyzed the Project's short-term construction noise impacts and long-term operational noise impacts against the first significance criterion set forth above.

Potential Impact: The DEIR identified construction noise impacts as a potentially significant impact if it were to exceed the following CEQA Significance Criterion stated on page 5.4-6 of the DEIR: "*Expose persons to or generate noise levels in excess of standards established in the City's General Plan.*"

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of short-term construction noise as identified in the FEIR. However, the City has determined that while the above-described impact can be partially mitigated by the mitigation measures identified below, this impact cannot be mitigated to a less than significant level. There are no other feasible mitigation measures or alternatives that would reduce this impact to an acceptable level. Therefore, the City hereby also makes Finding 3 which would require the adoption of a Statement of Overriding Considerations as a condition of Project approval.

Facts in Support of Finding: Policy 4.3.2 of the City's General Plan states that wherever feasible the generation of single event noise levels from construction and other activities should be managed such that the noise levels do not cause an increase of more

than 15 dBA above the noise objectives identified in Table 5.4-2 of the DEIR titled, "Noise-Compatible Land Use Objectives."

Noise impacts from heavy-duty trucks used to move construction equipment onto the Project site were determined to not result in significant noise impacts because the trucks would move heavy equipment only once for each construction phase, and the noise impact would be temporary and instantaneous. Moreover, the truck traffic noise would diminish rapidly as trucks travel by receptors, would be restricted to daytime hours, would be traveling only on highways and major arterials where less noise sensitive uses are located, and are not expected to traverse long distances along residential streets. For these reasons, short-term construction heavy truck traffic noise is not expected to result in a significant noise impact.

Noise from construction-worker traffic to and from the Project construction sites were also analyzed and determined to be less than significant based upon calculations utilizing the Air District's URBEMIS2002 model. The DEIR determined that on average there would be approximately 19 construction vehicles going to and from the site each day (17 cars and 2 light-duty pick up trucks). Based upon the model, the additional construction worker vehicle trips would not cause a 3 dB(A) or greater increase in roadway noise, and therefore the impacts from construction-worker traffic is considered Less Than Significant.

Noise levels generated during construction by the operation of construction equipment on the Project site would primarily affect the occupants of nearby residences, occupants of the elementary school, and noise-sensitive biota that may be in the PDWP. Occupants within 50 feet of an operating piece of machinery would experience noise levels within the range of 68 to 100 dB(A) depending upon the type and nature of the construction equipment being used and the duration of use. (See DEIR Figure 5.4-2.) Project construction will be required to comply with Municipal Code Section 8.24.040 (compliance with which has been made Mitigation Measure 5.4-1) which prohibits loud construction noise within 500 feet of an occupied dwelling on Sundays and between the hours of 8 p.m. and sunrise on other days. In addition, Mitigation Measure 5.4-2 requires that the 6-foot solid masonry wall that will be built by the Project be installed as early as possible in the construction process to provide a noise buffering barrier between VTTM 060291 and the adjacent residences and Nancy Corey Elementary School. In addition, Mitigation Measure 5.4-3 would require the builder to implement noise reduction measures when construction operations are scheduled to occur adjacent to occupied residences and the Nancy Corey Elementary School, such as installing temporary acoustic barriers, shutting off idling equipment, and advanced notification. In order to further mitigate construction noise impacts on adjacent residences and the Nancy Corey Elementary School, Mitigation Measure 5.4-4 would require that the distance between construction equipment staging areas and these nearby noise receptors be maximized, and Mitigation Measures 5.4-5 and 5.4-6 provide for the use of electric construction equipment instead of diesel whenever feasible and when diesel equipment is used that it be operated with closed engine covers to mitigate noise. The measures that would be implemented to reduce short-term construction noise impacts are as follows:

5.4-1 Loud construction noise, Municipal Code Section 8.24.040, shall be prohibited within 500 feet of an occupied dwelling on Sundays and between the hours of 8:00 P.M. and sunrise on other days.

5.4-2 The solid masonry wall proposed around the perimeter of VTTM 060291 shall be constructed as early as possible in the construction phase in order to reduce construction noise levels at adjacent residences and at the Nancy Corey Elementary School when it is occupied. No building permits shall be issued within VTTM 060291 until this wall is constructed and verified in the field.

5.4-3 When construction operations occur adjacent to occupied residences or to Nancy Corey Elementary School when school is in session, the developer shall implement appropriate noise reduction measures, including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, notifying adjacent residences in advance of construction work, and installing temporary acoustic barriers around stationary construction noise sources.

5.4-4 Maximize the distance between construction equipment staging areas, and occupied residential areas and Nancy Corey Elementary School when school is in session.

5.4-5 Whenever feasible, electric air compressors and similar power tools shall be used rather than diesel equipment.

5.4-6 All diesel equipment used on the site shall be operated with closed engine covers and shall be equipped with factory-recommended mufflers and other silencing features.

Despite the implementation of these construction noise mitigation measures, however, nearby land uses may be exposed to periodic short-term noise levels in excess of General Plan Policy 4.3.2 during construction. There are no measures to reduce all construction noises to less than the significance criterion, so this impact would remain a short-term, temporary significant impact.

Potential Impact: The DEIR identified long-term, operational noise impacts as a potentially significant impact if it were to exceed the following CEQA Significance Criterion stated on page 5.4-6 of the DEIR: “Expose persons to or generate noise levels in excess of standards established in the City’s General Plan.”

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects of long-term noise as identified in the FEIR.

Facts in Support of Finding: Noise impacts from City traffic on the residences built on VTTM 060291 and VTM 060664 was evaluated. Traffic noise was calculated based upon build-out of the City’s General Plan. At General Plan buildout, traffic volumes on

Avenue K north of VTTM 060664 are anticipated to be 42,182 average daily trips. Lots 23 through 26 of VTTM 060664 would be located approximately 60 feet from the centerline of Avenue K, and separated by a 6 foot high solid masonry wall and a 10 foot landscape easement. However, assuming a roadway average speed of 45 miles per hour, the calculated noise levels in the backyards of these lots would be 67 dBA CNEL, which is in excess of the 65 dB(A) CNEL noise threshold. Therefore, future traffic along Avenue K would result in a significant impact on these lots only. In order to mitigate this impact, the DEIR has identified Mitigation Measure 5.4-7. Implementation of Mitigation Measure 5.4-7 would reduce this potentially significant impact to Less Than Significant.

5.4-7 A minimum 8-foot solid and continuous noise barrier shall be constructed along the northern property lines of Lots 23 through 26 of VTTM 060664. A combination of berm and masonry wall construction for the noise barrier is acceptable and feasible given the proposed 10-foot landscape easement along the property frontage with Avenue K.

Point source noise generated by the Project, such as people talking, doors slamming, and yard maintenance noise, will contribute to the ambient noise levels in the community. While likely audible to the nearest neighbors, noise levels generated by these activities on the Project are not expected to exceed the City's Noise-Compatible Land Use Objectives for residential land uses and no significant project point source noise impacts would occur.

Noise from traffic generated by the proposed Project was also evaluated. Approximately 1,005 vehicle trips per day on local roadways would be generated by the Project at build-out. This level of additional traffic would not exceed the 3 dB(A) threshold, and will not cause a significant impact on long-term noise.

Finally, the Project's consistency with General Plan noise policies were analyzed. The Project is consistent with Policy 4.3.1 in that its environmental review included a noise impact analysis. The Project is consistent with Policy 4.3.2 in that all feasible mitigation measures to manage single event noise levels from construction activities have been identified and made mitigation measures to the Project. The Project is consistent with Policy 4.3.3 in that masonry walls are proposed around the eastern, southern, and western perimeters of VTTM 060291, and the northern perimeter of VTTM 060664. Although not intended as noise mitigation barriers, these walls would attenuate construction and operational noise generated by the Project. The walls are common in other subdivisions in the City and would not create a significant visual impact.

Potential Cumulative Impact: Cumulative noise impacts would primarily occur as a result of increased traffic on local roadways due to the Project and other approved and future development occurring in the City.

Finding: The City hereby determines that no significant cumulative noise impacts would occur in the Project study area at Project build-out.

Facts in Support of Finding: Cumulative noise impacts were assessed based upon future traffic volumes. A comparison was made between existing traffic volumes and future traffic volumes to determine if future cumulative traffic at Project build-out would result in a doubling of traffic volumes on any roadway within the Project traffic study area, thus resulting in an increase in noise in excess of 3 dB(A). The comparison demonstrated that traffic volumes would not double, and therefore corresponding noise increases would not be audible and no significant cumulative noise impacts would occur from Project implementation.

E. HYDROLOGY AND WATER QUALITY

The DEIR identified that Project may have a significant impact on hydrology and water quality if it were to exceed the following CEQA Significance Criteria stated on pages 5.5-8 and 5.5-9 of the DEIR:

- (1) Violate any water quality standards or waste discharge requirements;
- (2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- (3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- (4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- (5) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems;
- (6) 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) Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- (8) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam;
- (9) Inundation by seiche, tsunami, or mudflow;
- (10) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

The City's Initial Study, circulated with the Notice of Preparation, and contained in the Draft EIR at Appendix 1.0, concluded that the Project would have no impact relative to criteria 6, 7 8, and 9 and would have Less Than Significant impact relative to criteria 2, 3 and 5. The

Initial Study concluded that the Project may have a significant impact relative to criteria 1 and 4, which were analyzed in the DEIR.

Potential Impact: The DEIR identified short-term, construction hydrology/water quality impacts as a potentially significant impact if it were to exceed the following CEQA Significance Criterion stated on page 5.5-8 of the DEIR: “Violate any water quality standards or waste discharge requirements.”

Finding: The City hereby makes Finding 1 that 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 FEIR.

Facts in Support of Finding: During construction, runoff volumes are expected to be similar to those under existing conditions and there would be no significant on- or off-site drainage impacts. There is, however the potential for water quality impacts during construction due to excessive erosion and sedimentation. Other pollutants of concern during construction include metals, nutrients, soil additives, pesticides, construction chemicals, and miscellaneous wastes from construction sites that could enter runoff. The Project would be required to file for a National Pollutant Discharge Elimination System permit from the RWQCB-Lahontan Region prior to development and would be required to prepare and implement a Stormwater Pollution Prevention Plan that would include Best Management Practices to be implemented during construction. These measures are set forth in Mitigation Measures 5-5-1 through 5.5-3 as follows:

5.5-1 VTTM 060291 and VTTM 060664 shall be designed and constructed in accordance with the storm water pollution control requirements of the California RWQCB – Lahontan Region. Prior to the issuance of the grading permit for each tract, the applicant shall file a Notice of Intent with the RWQCB – Lahontan Region to comply with the applicable National Pollutant Discharge Elimination System (NPDES) requirements. A Notice of Termination shall be filed once construction is completed for each tract.

5.5-2 Prior to issuance of the grading permit for each tract, a storm water pollution prevention plan (SWPPP) for each site shall be prepared to the satisfaction of the City of Lancaster, and shall be implemented throughout each construction phase. The SWPPP shall, at minimum, include the following:

- *If excavation occurs during the rainy season, storm water runoff from the construction area shall be regulated through a storm water management/erosion control plan that shall include temporary on-site silt traps and/or basins prior to off-site discharge. Stockpiles of loose material shall be covered and runoff diverted away from exposed soil material. If work stops due to rain, a positive grading away from slopes and stockpiles shall be provide to carry the surface runoff to areas where flow can be controlled, such as through temporary silt basins. Sediment traps shall be located and operated to minimize the amount of off-site sediment transport.*

- *Temporary erosion control measures shall be provided until non-erodable surfaces and landscaping is established and can minimize discharge of sediment into off-site storm systems. These measures shall include:*

- *re-vegetating exposed areas as quickly as possible;*
- *minimizing disturbed areas;*
- *dust control measures, such as watering;*
- *stabilizing all disturbed areas with blankets, reinforced channel liners, soil cement, fiber matrices, geotextiles, and/or other erosion resistant soil coverings or treatments;*
- *stabilizing the construction entrance/exit with an aggregate underdrain with filter cloth or other comparable method;*
- *placing sediment control BMPs at appropriate locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season (sediment control BMPs may include filtration devices and barriers, such as fiber rolls, silt fence, straw bale barriers, and gravel inlet filters, and/or with settling devices, such as sediment traps or basins; and/or*
- *eliminating or reducing, to the extent feasible, non-storm water discharges (e.g., pipe flushing, and fire hydrant flushing, over-watering during dust control, vehicle and equipment wash down) from the construction site through the use of appropriate sediment control BMPs.*

- *Should materials other than potable water be used for dust control (e.g., reclaimed water, chemicals, etc.), the project applicant shall obtain prior approval from the CRWQCB-Lahontan Region.*

- *Hazardous materials, such as fuels and solvents used on the construction sites, shall be stored in covered containers and protected from rainfall, runoff, vandalism, and accidental release to the environment. All stored fuels and solvents shall be contained in an area of impervious surface with containment capacity equal to the volume of the materials stored. A stockpile of spill cleanup materials shall be readily available at all construction sites. Employees shall be trained in spill prevention and cleanup, and individuals shall be designated as responsible for prevention and cleanup activities.*

- *Construction equipment shall be properly maintained in designated areas with runoff and erosion control measures to minimize accidental release of pollutants.*

5.5-3 *If contaminated soil is encountered during construction operations, construction in the area shall stop and appropriate health and safety procedures shall be implemented consistent with the requirements of the RWQCB – Lahontan Region. Soil treatment shall be to background concentration levels. If this is not possible, the project applicant shall*

defer to RWQCB-Lahontan Region site-specific recommendations. Treatment examples include:

- *source removal and/or isolation,*
- *in-place treatment of soil (bioremediation, aeration, fixation), and/or*
- *excavation or extraction of soil for on- or off-site treatment (e.g., bioremediation, thermal destruction, aeration, sorption, precipitation, etc.).*

Potential Impact: The DEIR identified long-term, operational hydrology/water quality impacts as a potentially significant impact if it were to exceed the following CEQA Significance Criterion stated on page 5.5-8 of the DEIR: “*Violate any water quality standards or waste discharge requirements.*”

Finding: The City hereby makes Finding 1 that 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 FEIR.

Facts in Support of Finding: Neither VTTM 060291 nor 060664 are in proximity to a defined open body of water or watercourse, nor are they in an aquifer recharge area, therefore, the surface runoff from the Project would not affect any water body or aquifer. After Project development, the amount of sediment from each parcel would be substantially reduced as a result of covering the surface with impervious materials. Non-point sources of pollutants from developed areas, such as sediments, nutrients, bacteria, heavy metals, synthetic organics, and pesticides would occur in runoff from the developed areas. The runoff from the Project is expected to be similar in quality as runoff from other residential development surrounding the Project. Storm and irrigation runoff from the Project would either infiltrate directly into the soil or eventually discharge into existing off-site storm drain facilities. No runoff from either parcel would discharge into the PDWP. In order to educate future residents of the Project to protect against the discharge of pollutants into runoff that could affect downstream water quality, the DEIR has identified Mitigation Measure 5.5-5 which provides for the distribution of an educational pamphlet to all homeowners informing them about measures to protect against water quality impairment. Mitigation Measure 5.5-5 provides as follows:

5.5-5 *An educational pamphlet shall be developed and distributed to all new property owners within VTTM 060291 and VTTM 060664 regarding regulated (through code enforcement) and voluntary activities and practices that could affect water quality, such as:*

- *carpet and other cleaners that are not properly disposed of,*
- *surface protection from and proper disposal of motor vehicle oils,*
- *residential car washing that could discharge detergents and degreasers into the storm system,*

- *the importance of cleaning up after pets and not feeding wild animals to discourage them from entering the tracts, and*
- *proper use and application of pesticides and herbicides.*

Potential Impact: The DEIR identified long-term, operational hydrology/water quality impacts as a potentially significant impact if it were to exceed the following CEQA Significance Criterion stated on page 5.5-8 of the DEIR: “*Substantially alter the existing drainage pattern of the site or area.*”

Finding: The City hereby makes Finding 1 that 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 FEIR.

Facts in Support of Finding: Preliminary hydrologic calculations were performed for the Project using the City’s Engineering Design Guidelines and Procedures and the most current Los Angeles County Department of Public Works Hydrology and Sedimentation Manual, as adopted by the City. Total post-development runoff volumes from the drainage area would increase by 5.74 cubic feet per second during the 10 year frequency storm and by 8.41 cubic feet per second during the 25-year frequency storm. The volume, while an increase over existing conditions, does not represent a substantial increase to the regional drainage system. Storm flows and urban runoff from the south through the PDWP would follow present drainage patterns. Urban runoff generated by existing development directly south of the PDWP would not be altered as a result of the Project, and runoff from VTTM 060664 would be conveyed utilizing existing drainage patterns downstream of the parcels. Therefore, there would be no alteration of existing drainage patterns either within each parcel or within the Project area resulting in an exceedance of Criterion 4. Mitigation Measure 5.5-4 requires that the on-site storm drainage improvements be designed and constructed to the satisfaction of the City of Lancaster and thus will be sufficient to accommodate post-development runoff volumes. Mitigation Measure 5.5-4 provides as follows:

5.5-4 *All on-site storm drainage improvements necessary to serve the project are to be constructed by the project developer(s) to the satisfaction of the City of Lancaster.*

The DEIR also analyzed the Project’s consistency with General Plan goals and policies. The Project is consistent with Policy 4.2.1 and Policy 15.1.4 in that it has prepared a hydrology study that ensures that the Project would be adequately protected from flood hazard and that it would not create or increase downstream or upstream flood hazards. The Project is consistent with Policy 15.1.1 in that the project engineer has coordinated the preparation of the Preliminary Drainage Study with the City. The Project is consistent with Policy 15.1.3 in that the hydrology of the Project has been analyzed in terms of its impacts to biological resources and no impacts to the PDWP would occur from Project implementation.

F. CULTURAL RESOURCES

Potential Impact: The DEIR identified that construction of the Project may have a significant impact on cultural resources if it were to exceed the following CEQA Significance Criteria stated on pages 5.6-9 and 5.6-10 of the DEIR:

- Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the CEQA Guidelines;
- Cause a substantial adverse change in the significance of an archaeological resource as defined in § 15064.5 of the CEQA Guidelines;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Disturb any human remains, including those interred outside of formal cemeteries.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the Project on cultural resources.

Facts in Support of Finding: Although Phase I cultural resource studies on both VTTM 060291 and 060664 conducted in December 2003 did not reveal the presence of prehistoric or historic period resources, the potential exists for subsurface resources to be encountered during the course of Project construction. Compliance with Mitigation Measure 5.6-1 will ensure that potential impacts to any cultural resources discovered are mitigated to Less Than Significant. Mitigation Measure 5.6-1 provides that if cultural resources are discovered, all work in the immediate area of discovery will cease until a qualified archaeologist investigates the find. This mitigation measure also identifies that in the event human remains are discovered, the Project proponent will be required to comply with the requirements of State law governing the discovery of human remains and notification of appropriate officials.

Because cultural resources, if any, would be encountered only during ground-disturbing activities on this Project, no operational impacts (during occupancy of the Project) to cultural resources are anticipated. The DEIR also analyzed the Project's consistency with General Plan policies for cultural resources and determined that the Project is consistent with Policy 11.1.1 in that in the event cultural resources are discovered, implementation of Mitigation Measure 5.6-1 provides the mechanism by which those resources can be protected and mitigated. Mitigation Measure 5.6-1 provides as follows:

5.6-1 If cultural resources are discovered during construction within either VTTM 060291 or VTTM 060664, all work in the area of the find shall cease, and a qualified archaeologist shall be retained by the City at the expense of the project sponsor to investigate the find, and to make recommendations regarding its disposition. If human remains are encountered during construction, all work in the area of the find shall cease, and the Los Angeles County Coroner's Office shall be contacted pursuant to the procedures set forth in the Health and Safety Code (Specific Action 11.1.1(b) of the General Plan).

Potential Cumulative Impact: Impacts to cultural resources tend to be site-specific and assessed on a site-by-site basis; however, cumulative development in the region would result in an incremental adverse impact to cultural resources where they may exist.

Finding: The City hereby determines that no significant cumulative cultural resource impacts would occur as a result of Project implementation.

Facts in Support of Finding: With implementation of measures such as Mitigation Measure 5.6-1 which provides for the proper investigation of any discovered cultural resources by a qualified archaeologist, and compliance with State laws regarding the discovery of human remains, no significant cumulative impacts are anticipated.

G. AESTHETICS

The DEIR identified that Project may have a significant impact on aesthetics if it were to exceed the following CEQA Significance Criteria stated on pages 5.7-2 of the DEIR:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surrounding;
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The City's Initial Study, circulated with the Notice of Preparation, and contained in the Draft EIR at Appendix 1.0, concluded that the Project would have a Less Than Significant effect relative to all of these criteria. It would not exceed the second criterion listed above because the Project is not located within a state scenic highway and there are no rock outcrops, or historic buildings on the site. While some Joshua trees and California juniper trees are present on the site, neither have been designated as a scenic resource. With respect to the fourth criterion listed above, although the Project would introduce new light sources on the Project site, the lighting would be in the form of street lights and residential lighting and lights from motor vehicles, all of which would be similar in character and intensity with the surrounding residential developments, and thus the Project would not adversely affect day or nighttime views in the area. During construction, although construction machinery could reflect sunlight and cause glare, machinery would generally be in motion and any reflections would be brief in duration. At night, while there may be nighttime security lighting during construction, the number of lights and illumination is not expected to significantly affect off-site views.

Potential Impact: Although the Initial Study concluded that the Project would not have a substantial adverse impact on a scenic vista and would not degrade the existing visual

character of the site or its surroundings, comments regarding these issues were raised during the public scoping meeting and therefore these issues were addressed in the DEIR.

Finding: The City hereby determines that the Project's impact on aesthetics is Less Than Significant, and that no mitigation measures are required.

Facts in Support of Finding: Although views of the distant Tehachapi Mountains from the PDWP were identified during the scoping meeting as being potentially affected, the DEIR concluded that these views are already largely impeded by existing development that surrounds the Project and the PDWP. Furthermore, the Tehachapi Mountains are not identified as a scenic resource in the City's General Plan. Therefore, impacts to the first significance criterion above are considered Less Than Significant.

Under the third significance criterion above, degradation of the existing visual character of the Project site would occur if their development resulted in substantial visual inconsistency and incompatibility with the character of its surroundings such that it would have a negative effect on the visual character of the area. Development of VTTM 060291 would be visually consistent and compatible with surrounding development to the west, north and east. Although it would be different in character from the PDWP to the south, as the PDWP is already surrounded by residential development, development on VTTM 060291 would not cause a negative impact on the visual character of its surroundings. Development of VTTM 060664 would be consistent with approved and existing development to its north, east, south and west and therefore would not cause a degradation of the visual character of the area. In conclusion, development on both parcels would not exceed the third significance criterion and would be Less Than Significant.

The DEIR also analyzed the Project's consistency with General Plan goals and policies and determined that while the Project would block public views of the crest of Quartz Hill to the south and the Tehachapi Mountains to the distant northwest, the views of these areas from both parcels that make up the Project are already compromised as a result of existing development and topography and distances to these geologic formations. Further, as neither parcel provides important public views within the City, implementation of the Project would be consistent with these policies.

Potential Cumulative Impact: Cumulative aesthetic impacts are assessed on a project-by-project basis while keeping in mind the City's General Plan policies that govern visual resources in the City.

Finding: The City hereby determines that no significant cumulative aesthetic impacts would occur as a result of Project implementation.

Facts in Support of Finding: Each individual project will be evaluated for its aesthetic impacts; however, as provided for in the City's General Plan, with full implementation of the policies and programs noted in the General Plan, including project-specific mitigation

measures identified for individual development projects, potentially significant cumulative impacts would be reduced to Less Than Significant.

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 on-site 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 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). Four alternatives to the Project were considered in the FEIR, as follows:

- Alternative 1a: No Project/Future Development Consistent with Existing General Plan and Zoning Designations
- Alternative 1b: No Project/No Development
- Alternative 2: Cluster Alternative for VTTM 060291
- Alternative 3: Incorporation of VTTM 060291 in the Prime Desert Woodland Preserve

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

- Create infill housing within existing service areas of existing parks and educational facilities.
- Establish residential development in close proximity to an existing elementary school thereby enabling children to easily walk to school.
- Complete a residential "infill" development that avoids sprawl and is consistent with existing City of Lancaster policies, zoning requirements and land use designations.
- Develop a project that is consistent with the City's General Plan Objective 2.1, which states, "Encourage the efficient use of the developable land within the urban core."
- Develop a project that is consistent with the City's General Plan Policy 18.2.1, which states, "Encourage appropriate infill development."
- Provide an efficient circulation system to enhance the safety of local residents.
- Create an economically feasible project that is adjacent to existing community facilities and infrastructure, thus avoiding leapfrog development and the requirement for lengthy extensions of infrastructure.
- Protect biological resources within the Prime Desert Woodland Preserve by constructing on-site storm drainage facilities that won't alter drainage patterns and/or storm flow rates within the Preserve.

The DEIR and FEIR also considered whether the Project could be implemented on an Alternative Site. An alternative site analysis was rejected as infeasible because alternative sites of adequate size and meeting the Project applicant's siting criteria and Project objectives could not be identified. The siting criteria was as follows:

- Approximately 30 acres in size;
- Within the Lancaster city limits;
- Zoned for single-family detached homes;
- In proximity to an existing elementary school and existing passive and/or active recreational facilities;
- Less than 2 miles from the Antelope Valley Freeway;
- Within 0.5 miles of a main road with a freeway on-ramp;
- No or very limited frontage onto a regional or major arterial road;
- Consistent with the City's General Plan Objective 2.1, "Encourage the efficient use of the developable land within the urban core";
- Consistent with the City's General Plan Policy 18.2.1, "Encourage appropriate infill development"; and
- In proximity to existing utilities.

This conclusion was based upon a September 2005 study of available parcels in the City conducted by O'Donnell/Atkins, a land brokerage firm specializing in residential, commercial, and hotel land acquisition. Because no available alternative sites meeting the criteria could be identified in the City, an alternative site analysis was not considered.

In response to comments received on the DEIR, the City once again reconsidered whether an alternative site existed that should be considered in the Alternatives analysis. The alternative site criteria was revised to eliminate some of the more limiting factors, and a separate firm, The Hoffman Company, was engaged to identify alternative sites in September 2006. The Hoffman Company was given the criteria listed below for the following reasons:

- ***Approximately 30 acres in size:*** The proposed project is a residential development on two tract maps of approximately 30 acres and as it is the project proponent's objective to construct a project of generally the same density, the alternative site should be of the same general size as the proposed project.
- ***Within the Lancaster city limits:*** Although alternative sites do not have to be within the jurisdiction of the lead agency, many commenters expressed the opinion that there was plenty of available land within the City, and since it is the City's desire to increase housing stock within the City, the search for an alternative site was limited to within the Lancaster city limits.
- ***Zoned for single-family detached and attached homes:*** The proposed project is consistent with existing zoning and General Plan land use designations. Although an alternative may have greater impacts than the proposed project and require a zone change or General Plan amendment, because of the potential land use compatibility

impacts associated with changing industrial, commercial property or open space to residential, the criteria that the property be zoned for residential development such that the project proponent would not have to seek legislative land use approvals (as opposed to only a subdivision map) was retained as a criterion. The criterion was expanded to include both attached and detached residential designations, however.

- ***Within 1 mile to an existing elementary school and existing passive and/or active recreational facilities:*** The proposed project is being developed as infill project within an existing, established residential community that is close to existing amenities such as schools and parks. Although an alternative may have greater environmental impacts than the proposed project, the lack of nearby schools and parks would increase vehicle trips and air emissions, among other impacts, and this criterion was included to avoid increasing vehicular trips. The criterion was modified to define "in proximity" to "within 1 mile" to increase the distance between the alternative site and these facilities.
- ***No or very limited frontage onto a regional or major arterial road:*** The proposed project in an infill project within an existing, established residential community and is designed for families with small children and to promote walkability (to parks and schools). Although an alternative may have greater environmental impacts than the proposed project, this criterion was included to avoid increased traffic safety issues and increased potential health impacts from exposure to vehicular emissions on regional roads for the alternative site.
- ***Consistent with the City's General Plan Objective 2.1 and 18.2.1:*** Both Objectives promote infill development. Given the concern over sprawl or leapfrog development, and the loss of prime desert woodland habitat and open space in general, an objective of the project was to promote infill development. Many commenters expressed the opinion that there were similarly situated sites within the city. Therefore, although an alternative may have greater impacts than the proposed project, and is not required to achieve all project objectives, this criterion was retained.

Even with these criteria, however, The Hoffman Company could not identify an appropriate alternative site, and its conclusions are contained in the FEIR. For these reasons, an alternative site was considered infeasible.

**A. *ALTERNATIVE 1A: NO PROJECT/FUTURE DEVELOPMENT
CONSISTENT WITH EXISTING GENERAL PLAN AND ZONING
DESIGNATIONS***

CEQA requires that a "no project" alternative be evaluated along with its impact. Two "no project" alternatives are considered in the FEIR. The first, referred to as Alternative 1A, assumes that neither parcel would be developed as proposed; however, Alternative 1A would not preclude development in the future. This Alternative assumes that in the future, development consistent with the City's General Plan and zoning could occur. The "No Project" analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved,

based on current plans and consistent with available infrastructure. (CEQA Guidelines § 15126.6(e)(2).) The City's General Plan designates both sites as UR (Urban Residential, 2.1-6.5 dwelling units per acre) and the zoning for VTTM 060291 is R-10,000 and VTTM 060664 is zoned R-7000. Under existing zoning, a maximum of 76 lots could be developed on VTTM 060291, and a maximum of 42 lots could be developed on VTTM 060664, for a total of 118 single family homes, which is 13 more than proposed. Because this Alternative 1A would allow 13 more residences than the proposed Project, it has the potential to have greater adverse impacts than the Project.

In comparing the potential impacts to the Project, Alternative 1A would have an incrementally greater impact on biological resources, through the introduction of additional human and domestic animal population, than the proposed Project. This could result in greater edge effects to the PDWP and its biological resources. On-site impacts to biological resources would be the same as the proposed Project. With respect to Transportation, Alternative 1A would generate 1,129 average daily trips per day as compared to the 1,005 average daily trips generated by the Project. This, too, would be an incremental increase of impacts as compared to the Project. Because Alternative 1A would have more single-family residences than the Project, it would have greater construction and operational impacts with respect to air quality and noise. Although the 13 additional residences could potentially result in more impervious surfaces and therefore increased stormwater runoff, because the alternative would be required to satisfy the same drainage and water quality impacts as the Project, the impacts are considered the same. Impacts to cultural resources would be the same as the Project as the same area of subsurface disturbance would occur under the alternative as compared to the Project. Finally, with respect to aesthetics, the impacts are expected to be similar, but because of the additional 13 houses, the alternative may appear to be denser than the Project.

In conclusion, while Alternative 1A would meet all of the Project objectives, it would result in an incremental increase in impacts as compared to the proposed Project.

Finding: Alternative 1A does not lessen the significant impacts of the Project and would have slightly greater impacts as compared to the Project. The City finds that the No Project/Future Development Consistent with Existing General Plan and Zoning Designations is less desirable than the Project because the Alternative does not avoid or substantially lessen any significant effects of the project, and in fact, may have slightly greater impacts in the areas of biological resources, transportation, air quality and noise.

B. ALTERNATIVE 1B: NO PROJECT/NO DEVELOPMENT

CEQA requires that a "no project" alternative be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. (CEQA Guidelines § 15126.6(e)(1).) This alternative assumes that neither VTTM 060664 or VTTM 060291 would be constructed and the current undeveloped condition of the Project site would remain unchanged and no additional improvements and no development would occur. The walls and chain link fencing surrounding each parcel would remain in place,

and only minimum maintenance would occur on each parcel, such as periodic clearing of brush to prevent fire hazards.

In comparing the potential impacts to the Project, Alternative 1B would have no impacts to biological resources either on-site or on the adjacent PDWP. As documented by the Impact Sciences report on the PDWP, however, because the area is already surrounded by development, and lacks habitat linkages to large open space areas, preservation of the Project site would not substantially slow the adverse effects of fragmentation and edge effects on the PDWP. In the short term, Alternative 1B would be preferred to the Project with respect to impacts on the PDWP, but in the long term, the impacts to the PDWP would be similar. Under this alternative, however, any existing vegetation on-site would remain. With respect to transportation, air quality, and noise, because no vehicle trips would be generated by this alternative and no construction would occur, Alternative 1B would have no impacts as compared to the Project in these areas. Alternative 1B would not change any drainage patterns nor impact water quality. Because no impact would occur under Alternative 1B, there would be no impacts on cultural resources or aesthetics.

In conclusion, while Alternative 1B would have less impacts than the Project, this alternative would fail to meet any of the Project objectives, and would most likely not be feasible as, absent affirmative efforts to acquire and preserve the site, under of the existing zoning these parcels would most likely eventually be developed.

Finding: Alternative 1B would have less environmental impacts than the Project; however, it would not provide long-term biological benefit to the biological resources on the PDWP because of existing fragmentation and edge effects which have already occurred. Alternative 1B would not achieve any of the Project objectives, and most likely is not feasible as absent acquisition by an open space protection organization, these parcels would remain available for development.

C. ALTERNATIVE 2: CLUSTER ALTERNATIVE FOR VTTM 060291

Alternative 2 proposes a clustering of development on VTTM 060291, the parcel that is adjacent to the PDWP. Under this Alternative, all 66 single family residences would be clustered on the western half of the parcel, leaving the eastern half undeveloped. The development proposal for VTTM 060664 would remain the same as the Project. This alternative would not be consistent with existing zoning with approval of a Residential Planned Development through the conditional use permit process for VTTM 060291.

Under this alternative, there would be fewer impacts to the biological resources present on VTTM 060291 as this alternative would have the effect of preserving the better quality Joshua tree woodlands on the Project site. However, as documented in the Impact Sciences study, preservation of the eastern portion of VTTM 060291 component of the Project site would not have any ultimate, long-term benefit to the PDWP due to existing conditions which have resulted in fragmentation and edge effects that affect the long-term biological habitat values of the PDWP. Therefore, although in the short-term, Alternative 2 is preferred to the Project, in the

long-term, the impacts would be similar. With respect to Transportation, the alternative would generate the same amount of traffic as the Project. Although this alternative has the same number of homes as the Project, air quality impacts would be incrementally less as less areas on VTTM 060291 would require grading, thereby reducing fugitive dust impacts. This would be beneficial to the Nancy Corey Elementary School which lies adjacent to the eastern edge of the parcel. This alternative would not reduce air quality impacts to less than significant, and overall short-term air quality impacts would still be significant and unavoidable. Noise impacts would be similar to the Project; however, receptors at the Nancy Corey Elementary School would experience less noise impacts as compared to the Project because of the clustering of development activities on the western portion of the parcel. Therefore, while long term operational noise impacts would be the same, short-term construction impacts would be less as compared to the Project. This alternative would generate less storm water runoff than the Project because it would leave 10 acres undeveloped. Because the same number of units would be developed as compared to the Project, water quality impacts would be similar. Although no cultural resources have been identified on the Project site, because this alternative would not require the grading of 10 acres on VTTM 060291, it would have incrementally less potential impact on cultural resources. Finally, with respect to aesthetics, the western portion of the site would appear denser, but allowing the eastern side to remain undeveloped would maintain views to the south from residences north of Avenue K-4. Overall, however, the impacts would be similar between this alternative and the Project.

Finding: Alternative 2, Cluster Development on VTTM 060291, would meet all of the Project's objectives and is feasible. From an environmental impacts perspective the impacts are similar. The reduction in impacts to the Nancy Corey Elementary School (because of its location on the eastern edge of the site which would not be developed under this alternative) is offset against the greater noise and air emission impacts that the residences to the west would experience. This alternative would not have the effect of improving the long term viability of the PDWP as compared to the Project. This alternative would have greater land use impacts as it could not be built under existing zoning without a Residential Planned Development approval, and would result in greater densities on a portion of the Project site as compared to the Project.

D. ALTERNATIVE 3: INCORPORATION OF VTTM 060291 INTO THE PRIME DESERT WOODLAND PRESERVE

Under this Alternative, VTTM 060291 would be acquired through purchase or other means and maintained as permanent open space incorporated into the PDWP. This alternative would also provide for a density transfer to VTTM 060664 which would permit a total of 105 units to be constructed on VTTM 060664. In order to accommodate 105 units, the type of residential use would have to change from single family detached homes to attached residential units. This would require a General Plan Amendment, zone change for both parcels and a Residential Planned Development designation for VTTM 060664.

Biological resource impacts with respect to this alternative would, in the short-term, be less than the Project as this alternative avoids all impacts to a portion of the Project site that lies

closest to the PDWP. This would, in the short-term, have fewer edge effects than the Project. In the long term, however, protection of VTTM 060291 would not have the effect of substantially reducing the adverse effects of fragmentation and edge effects now experienced by the PDWP and its impacts would be similar to the Project. With respect to Transportation impacts, this alternative would generate fewer vehicle trips than the proposed Project because higher density developments normally generate less trips per unit than single family detached products. In general, this alternative would have fewer impacts than the Project, although circulation patterns may change resulting in greater impacts on some local streets as compared to the Project; however, none of the levels of service would be anticipated to degrade under this alternative. With fewer vehicle trips, both long term air quality and noise impacts would be less than the Project. Also, the absence of development activities on a portion of the Project site would also mean less construction air emission and noise impacts, although the residences to the east and west of VTTM 060664 would experience greater short term air and noise impacts as compared to the Project. Development of this alternative would reduce runoff as a portion of the site would remain unchanged. Cultural resource impacts would be reduced under this alternative because a portion of the Project site would not be disturbed. Finally, aesthetic impacts would be greater than the Project as multi-family development on a portion of the Project site would be visually incompatible with the surrounding development. As noted previously, this alternative would have greater land use impacts as compared to the Project as it is not compatible or consistent with existing zoning or General Plan land use designations.

Finding: Alternative 3 would meet most of the Project objectives, but would require development of a product (attached residential units) much different and at a greater density than anticipated under the Project (single family detached). The alternative would have short-term biological benefits and fewer impacts on cultural resources, hydrology, traffic, air and noise, but greater aesthetic impacts than the Project due to the greater density of development on a portion of the Project site. Finally, the long term biological effects of this alternative would be similar to the Project as the existing fragmentation and edge effects would not be mitigated through preservation of a portion of the Project site. The feasibility of this alternative is questionable as to date there are no resources available to acquire VTTM 060291. Because this alternative would have greater land use compatibility impacts, would require construction of a different product type, is of questionable feasibility and would not achieve long term biological benefits to the PDWP, it is not preferred to the proposed Project.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the proposed Project:

A. The Project satisfies the City's General Plan goals and objectives by developing infill parcels that are close to existing developments and can be easily serviced by existing

infrastructure. More importantly, the Project provides a development that is consistent with the City's General Plan and zoning and compatible with surrounding existing residential uses.

B. The Project has been designed to promote walkability to schools and parks. The Project will provide new sidewalks along the roadways in the Project which will connect to new sidewalks installed by the Project on Avenue K and Avenue K-4 that provide pedestrian linkages to allow residents to walk their children to school and nearby Rawley Duntley Park.

C. The Project provides public safety enhancements by improving Avenue K and Avenue K-4 and adding traffic controls such to ensure safer streets for both motorists and pedestrians.

D. The Project also provides as a design feature a defined border to the PDWP through erection of a 6 foot high block wall that will serve to discourage entry into the PDWP by domestic dogs and cats, and residents to help minimize edge effects and adverse impacts to the PDWP by human and domestic animal disturbance.

E. The Project provides an attractive new development within the existing Lancaster community that will enhance the existing residential areas by improving streets to meet City standards, and installing additional landscape enhancements.

44933 Fern Avenue
Lancaster, CA 93534



APPEAL FORM

PLEASE PRINT OR TYPE:

Patrick Saatzer - Friends of the Prime Desert Woodlands 661-943-9509

Name of Appellant	Home Telephone Number		
43300 Vista Sierra Dr Lancaster, Ca 93536	310-291-0824		
Home Address of Appellant	City & State	Zip Code	Business Telephone Number

Send Correspondence and Notices to the following party: **Patrick Saatzer**
43300 Vista Sierra Dr, Lancaster, CA 93536

Name and Address

20.6 Acres - undeveloped land - south of Ave K4

Address and Description of Real Property Involved

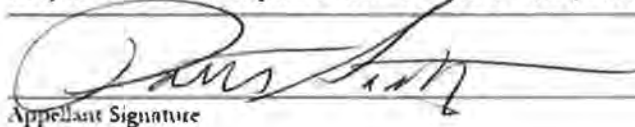
City Planning Commission

Commission, Board, Official or Department whose action is being appealed

Date of action/decision from which appeal is taken: **25 January 2016** Case Number **TTM 60291**

Specific Action or Decision being appealed: **Approval of time extension for Tract Map 60291**

Grounds for Appeal: **TTM not compliant with City General Plan, Objective 3.4, Policy 3.4.1,3.4.2 3.4.4(b). TTM does not satisfy mitigation measures of Approved Environmental Impact Report (EIR) on 20.6 acres (approved Nov 2006) after TTM prepared. New Tract Map required that complies with General Plan, EIR mitigations, and current water restrictions**


Appellant Signature

4 Feb 2016
Date

If applicable, a duplicate set of mailing labels submitted for the original Planning Commission consideration shall be provided by the appellant at the time of the appeal filing.

ATTACHMENT "A"

APPEAL

Tentative Tract Map No. 60291

Lancaster City Council Meeting
April 26, 2016

General Plan 2030 (adopted June 2009)

- OBJECTIVE 3.4 Identify, preserve and maintain important biological systems within the Lancaster sphere of influence, and educate the general public about these resources, which include the Joshua Tree – California Juniper Woodlands, areas that support endangered or sensitive species, and other natural areas of regional significance.
- Policy 3.4.1 Ensure the comprehensive management of programs for significant biological resources that remain within the Lancaster sphere of influence.
- Policy 3.4.2 Preserve significant desert wash areas to protect sensitive species that utilize these habitat areas.
- Specific Action
3.4.4(b) Require that development occurring adjacent to biologically sensitive areas provide appropriate mitigation for potential impacts.