

AGENDA ITEM: 1.

DATE: 10-22-07

STAFF REPORT

GENERAL PLAN AMENDMENT NO. 04-04 ZONE CHANGE NO. 04-05

DATE: October 22, 2007

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: JP Eliopoulos Enterprises

LOCATION: 8.5± gross acres located at the southeast corner of Avenue K and 30th Street West

REQUEST:

1. Amend General Plan land use designation for the subject property from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) to C (Commercial) and MR2 (Multiple-Family Residential, 15.1 to 30 dwelling units per acre); and
2. Rezone property from R-10,000 (single family residential one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development) and HDR (High Density Residential, 15.1 to 30 dwelling units per acre) Zones

RECOMMENDATION: Adopt Resolution No. 07-46, a resolution of the Planning Commission of the City of Lancaster, California, certifying the final environmental impact report, adopting environmental findings, and recommending to the City Council approval of General Plan Amendment No. 04-04 and Zone Change No. 04-05.

BACKGROUND: There have been several previous hearings since 1979 regarding modifying the site from R-10,000 to MDR, and back to R-10,000. On November 12, 1979, the Planning Commission approved ZC 79-40, a request to change the site from R-10,000 to R-10,000 RPD with the construction of 100 condominium units on 10 gross acres. GPA 84-01 was a request to modify the site from MDR-1 & 2 to MDR-1-DP. Prior to December 1996, the site was designated as MR and zoned MDR. On October 28, 1997, the adopted General Plan map indicates a UR designation for this site. No requests for this site have been heard before the Planning Commission since 1997.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject property is designated UR (Urban Residential, 2.1 to 6.5 dwelling units per acre), is zoned R-10,000 (Single family Residential, one dwelling unit on 10,000 square feet), and is currently vacant. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	UR	R-7,000	Single Family Residential
EAST	UR	R-10,000	Single Family Residential
SOUTH	UR	R-10,000	Prestige Assisted Living
WEST	MR1, UR	MDR, R-7,000	Vacant, Mirabella Townhomes

PUBLIC IMPROVEMENTS: The site is bounded to the north by Avenue K which is currently fully dedicated at 100-foot right of way and partially improved with two travel lanes in each direction. 30th Street West is improved with two travel lanes in each direction. All utilities can be made available to the site.

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

ENVIRONMENTAL REVIEW: A final EIR that analyzes the potential impacts of the proposed Projects has been prepared. 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 Nos. 07-46 and 07-47.

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.

ANALYSIS:

The applicant is requesting a General Plan Amendment and Zone Change to change the land use designation of the subject property from 8.5± net acres of UR (Urban Residential; 2.1 to 6.5 dwelling units per acre) to 5.0± net acres of C (Commercial) Zone; and 3.5± net acres of MR2 (Multiple-Family Residential, 15.1 to 30 dwelling units per acre) and to change the zoning from R-10,000 (Single family Residential, one dwelling unit on 10,000 square feet) to CPD (Commercial Planned Development) and HDR (High Density Residential, 15.1 to 30 dwelling units per acre) Zones.

With the proposed amendment and zone change request, the site would allow for the development of a commercial shopping center with three buildings totaling 41,849 square feet of commercial retail. The remaining 5.0 acres would be developed as 50 multiple-family units in the HDR Zone.

The proposed amendment and zone change represent a conversion of land to commercial and multiple-family density residential, and would provide for some economic benefits to the City in that it would provide for the construction of condominium housing, and infrastructure would be provided by the developer. Located across the community college and at a major intersection, the retail center could promote Policy 16.4.1, “to attract merchants offering goods and services that are not available to meet local demand.”

The proposed re-designation and rezoning is considered necessary to allow for the efficient use of the subject property as commercial and higher density residential. Since the subject property is located southeast of the Antelope Valley College and surrounded by single-family and multiple-family residential uses, re-designating the site for commercial at the intersection of 30th Street West and Avenue K would promote commercial to service the surrounding community, and would implement General Plan Policy 17.1.3 which states, “Provide a hierarchical pattern of attractive commercial developments which serve regional, community, and neighborhood functions with maximum efficiency and accessibility,” and Policy 18.2.1 which states, “Encourage appropriate infill development.” The multiple-family residential development would provide for a variety of housing to implement General Plan Policy 17.1.2. which states, “Provide sufficient land to accommodate a variety of housing types meeting the economic, lifestyle, and social needs of current and future residents.”

The proposed General Plan and Zone Change would provide commercial services for the surrounding neighborhood, adequate interface would be provided between the commercial and existing residential uses through development standards; and provide a variety of housing types to meet the economic, lifestyle and social needs of current and future residences, therefore, staff is recommending approval of General Plan Amendment No. 04-04 and Zone Change No. 04-05.

Respectfully submitted,

Silvia R. Donovan, Principal Planner

cc: Applicant
Engineer

RESOLUTION NO. 07-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, THE ADOPTION OF ENVIRONMENTAL FINDINGS, THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE ADOPTED GENERAL PLAN OF THE CITY AND AN AMENDMENT TO THE ADOPTED ZONING PLAN FOR THE CITY, KNOWN AS GENERAL PLAN AMENDMENT NO. 04-04 AND ZONE CHANGE NO. 04-05

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07 an amendment to the adopted General Plan of the City has been initiated by JP Eliopoulos Enterprises, Inc., to redesignate 8.5± net acres of land located on the southeast corner of Avenue K and 30th Street West to C (Commercial) and MR2 (Multiple-Family Residential, 15.1 to 30 dwelling units per acre); and

WHEREAS, pursuant to Section 17.24.040. of the Lancaster Municipal Code the applicant has requested the Planning Commission to consider a change to the zoning designation on the subject property from R-10,000 (single family residential, one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development) and HDR (High Density Residential, 15.1 to 30 dwelling units per acre); and

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

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

WHEREAS, a public hearing on the General Plan amendment and zone change requests was held on October 22, 2007; and

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

WHEREAS, this 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 based on the evidence in the record, hereby adopts the following findings in support of approval of General Plan Amendment No. 04-04 and Zone Change No. 04-05:

1. There is a need for the proposed land use designation of C (Commercial) because the commercial designation would provide goods and services to the surrounding residential properties and MR2 (Multiple-Family Residential) on the subject property and to establish appropriate infill development.
2. The proposed designations of C and MR2 will be compatible with the existing land use designation of UR to the north, east and MR to the west through the use of development standards, lighting standards, landscaping and masonry walls.
3. The proposed amendment is consistent with and implements **Goal 19** of the General Plan, “to create a well planned community with aesthetically pleasing physical environment.”
4. The proposed amendment is consistent with the following goals, objectives, and policies of the General Plan for the reasons stated below:

Objective 18.1: “Prevent future discordant land uses, and where possible reconcile existing discordant land use, by establishing appropriate interface among conflicting uses, and functions.”

Policy 18.2.1: "Encourage appropriate infill development."

Policy 18.2.2: “Encourage appropriate development to locate so that municipal services can be efficiently provided.”

Policy 17.1.3; “Provide a hierarchical pattern of attractive commercial developments which serve regional, community, and neighborhood functions with maximum efficiency and accessibility.”

Policy 17.1.2.; “ Provide sufficient land to accommodate a variety of housing types meeting the economic, lifestyle, and social needs of current and future residents.”

5. The proposed amendment would allow for the development of commercial and multiple-family uses where sufficient street access, public services, and utilities are available, or can be made available, and would not impede the provision of a diversity of housing types within the City.

6. There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed amendment, because the addition of 3.5 ± net acres of Multiple Residential land would enhance the City's ability to provide a range of housing for residents either within the immediate area or within the City. The 5.0 ± net acres of commercial would provide a range of goods of services for residents in the immediate vicinity.
7. The proposed amendment would not adversely affect the economic health of the City, because any future development on the site would be subject to the requirements of the adopted Urban Structure Program, and the site is in an area where all necessary services exist or can be readily provided.
8. The proposed site could be adequately served by necessary services and utilities, including police, fire, electricity, water, sewer, gas, and telephone that already exist in the area, provided that necessary connection and impact fees are paid, based on the standards contained within Objective 15.1 of the General Plan and previous responses from affected service agencies.
9. The proposed amendment will not have an adverse effect on traffic and circulation systems as noted in the final environmental impact report and as discussed in Exhibit "A". Mitigation measures exist to reduce this impact on many cases to less than significant, however, significant effects are considered acceptable due to overriding consideration as noted in Section 7 of Exhibit "A".
10. The proposed amendment is in the public interest because the proposed land use designation is compatible with Antelope Valley College, and the existing residential to the north and east or can be adequately buffered by landscaping and block walls from adjacent existing and future land uses to the north, east and south; the proposed development allowed under the C and MR2 designation can be adequately served by streets, utilities, and public services in the area; and, the proposed land use designation would not adversely affect the regional water supply or the City's economic health.

WHEREAS, this Commission, based on the evidence contained in the record, hereby makes the following findings in support of the approval of Zone Change No. 04-05:

1. The proposed zone change for CPD and HDR is consistent with the General Plan land use designation of C and MR2 proposed for the subject property.
2. Modified conditions, including a change in the land use designation of the site to provide for the commercial and multiple-family residential zoning to serve as a compatible land use pattern with Antelope Valley College and the existing MDR, R-7,000 and R-10,000 surrounding the site.

3. A need for the proposed zone classification of CPD and HDR exists within such area in order to allow for the logical location of commercial development and to provide a variety of housing types to meet the economic, lifestyle and social needs of current and future residences.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is compatible with the existing MDR, R-7,000 and R-10,000 zones classification and development surrounding the site.
5. Placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, facilities, and infrastructure exist to accommodate the proposed density and type of development, and the zoning designation will not result in the development of incompatible uses.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby certifies that Final Environmental Impact Report (SCH#2007021086) prepared for GPA 04-04 and ZC 04-05 was prepared in compliance with CEQA, 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 GPA 04-04 and ZC 04-05.
2. This Commission hereby adopts all environmental findings, mitigation measures attached hereto as Exhibit "B", and the statement of overriding consideration as contained in Exhibit "A".
3. This Commission hereby recommends to the City Council approval of General Plan Amendment No. 04-04 to redesignate the subject property from UR to C and MR2.
4. This Commission hereby recommends to the City Council approval of Zone Change No. 04-05 to rezone the subject property from R-10,000 to CPD and HDR.

PASSED, APPROVED and ADOPTED this 22nd day of October 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA,
AMENDING THE CITY ZONING PLAN FOR 8.5± ACRES
LOCATED AT THE SOUTHEAST CORNER OF AVENUE K AND
30TH STREET WEST, KNOWN AS ZONE CHANGE NO. 04-05

WHEREAS, pursuant to Section 17.24.060 of the Municipal Code, a request has been filed by JP Eliopulos Enterprises, Inc., applicant, to change the zoning designation on 8.5± acres of land located at the southeast corner of Avenue K and 30th Street West from R-10,000 (single family residential one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development) and HDR (High Density Residential, 15.1 to 30 dwelling units per acre); and

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

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

WHEREAS, public hearings on the zone change request were held before the Planning Commission on October 22, 2007, and before the City Council on December 4, 2007; and

WHEREAS, this Commission hereby certifies, pursuant to Section 15090a(1) of the California Environmental Quality Act (CEQA) Guidelines, that the final environmental impact report prepared for this proposed project has been completed in compliance with CEQA as described in Section 3 of Exhibit "A" of the Planning Commission Resolution No. 07-46; 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, the City Council hereby makes the following findings in support of the Ordinance:

1. The proposed zone change for CPD and HDR is consistent with the General Plan land use designation of C and MR2 proposed for the subject property.
2. Modified conditions, including a change in the land use designation of the site to provide for the commercial and multiple-family residential zoning to serve as a compatible land use pattern with Antelope Valley College and the existing MDR, R-7,000 and R-10,000 surrounding the site.

3. A need for the proposed zone classification of CPD and HDR exists within such area in order to allow for the logical location of commercial development and to provide a variety of housing types to meet the economic, lifestyle and social needs of current and future residences.
4. The particular property under consideration is a proper location for said zone classification within such area, because it is compatible with the existing MDR, R-7,000 and R-10,000 zones classification and development surrounding the site.
5. Placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practices, because adequate services, facilities, and infrastructure exist to accommodate the proposed density and type of development, and the zoning designation will not result in the development of incompatible uses.

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

Section 1. That the subject property is reclassified from R-10,000 (one single-family residential dwelling unit on 10,000 square feet) to CPD (Commercial Planned Development) and HDR (High Density Residential – 1 to 30 dwelling units per acre).

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

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2007, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

HENRY W. HEARNS
Mayor
City of Lancaster

CERTIFICATION OF ORDINANCE
CITY COUNCIL

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

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

(seal)

EXHIBIT “A”

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR
THE 30TH STREET WEST AND AVENUE K PROJECTS
(GENERAL PLAN AMENDMENTS 04-04 AND 06-01;
ZONE CHANGES 04-05 AND 06-01,
AND CONDITIONAL USE PERMITS 05-07, 07-10 AND 06-02)
ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NUMBER 2007021086**

1. INTRODUCTION.

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

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can 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 the 30th Street West and Avenue K Projects, dated October 2007 (“FEIR”), which includes but is not limited to the Draft Environmental Impact Report (“DEIR”), Responses to Comments on the DEIR, and all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (“Findings”) are hereby adopted by the City of Lancaster (“City”) in its capacity as the CEQA Lead Agency. These Findings set forth the City’s environmental basis for approval of General Plan Amendment 04-04, Zone Change 04-05, and Conditional Use Permits 05-07 and 07-10 for the southeast corner and General Plan Amendment 06-01, Zone Change 06-01, and Conditional Use Permit 06-02 for the southwest corner (“Proposed Projects”).

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 Projects and overview of the discretionary actions required for approval of the Projects, and a statement of the Projects’ 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 Projects and a summary of public participation in the environmental review for the Projects.
- (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 Projects 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 Projects. 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 Projects 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 Projects.
- (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 Projects outweigh the Projects' 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 Projects 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 Projects. These actions include approval of General Plan Amendment No. 04-04, Zone Change 04-05, and Conditional Use Permits 05-07 and 07-10 for the southeast corner and General Plan Amendment 06-01, Zone Change 06-01, and Conditional Use Permit 06-02 for the southwest corner.

B. Project Location

The Proposed Projects are located in the central portion of the City. Specifically, the Proposed Projects are located on the southwest and southeast corners of 30th Street West and Avenue K. Freeway access to the Proposed Projects is via the Antelope Valley Freeway (State Route 14), located approximately 2 miles east of the sites. Direct access from the freeway is via the Avenue K exit westward.

Existing land uses surrounding the southwest project site include Marbella Villas to the south, Bethel Christian School to the west, Avenue K and Antelope Valley College to the north, and 30th Street West and the southeast project site to the east. Existing land uses surrounding the southeast project site include single family residences to the east, Prestige Assisted Living Community to the south, 30th Street West and the southwest project site to the west, and Avenue K and single family residences to the north.

C. Project Description

The southwest project site consists of approximately 4.40 acres proposed for general commercial uses. Under this proposal, the southwest project site would be developed with up to 36,300 square feet of commercial uses, including 25,800 square feet of commercial retail facilities and 10,500 square feet of high-turnover restaurant facilities. No fast-food restaurants with drive-thru would be allowed. Retail structures would be oriented along 30th Street West and Avenue K with approximately 216 surface parking spaces provided on the interior of the site. The City of Lancaster General Plan currently designates the southwest site as Urban Residential (UR) and it is zoned as R-7,000 (single family residential, minimum lot size 7,000 square feet). The general plan amendment and zone change proposed as part of the southwest project would re-designate and rezone the site to Commercial (C) and Commercial Planned Development (CPD), respectively.

The southeast project site consists of approximately 8.52 acres and is proposed for a mix of commercial and residential uses. Under this proposal, the southeast project site would be developed with approximately 42,867 square feet of commercial retail uses in three structures including a grocery-store, drugstore, and other retail shops. The commercial component would include 264 parking spaces. Access to the commercial portion would be provided from both 30th Street West and Avenue K. The southeast project would also include 50 townhomes on individual lots with common open space. Each townhome would be two stories and include a two car garage. The residential portion would also include 24 guest parking spaces for a total of 124 parking spaces on the residential portion. Access to the residential portion would be provided from 30th Street West. The City of Lancaster General Plan currently designates the southeast site as UR and it is zoned as R-10,000 (single family residential, minimum lot size 10,000 square feet). The general plan amendment proposed as part of the southeast project would re-designate the site to C and MR2 (Multiple Family Residential High Density) and rezone the site to CPD and HDR (High Density Residential).

D. Project Objectives

The following objectives have been established for the Proposed Projects:

- To create development on the currently underutilized project sites to provide housing and retail facilities to serve the local community.
- To provide a well-designed development that is compatible and complementary with surrounding land uses and develops land within the urban core.
- To provide adequate parking facilities to serve the proposed development residents, customers, and employees.
- To generate employment opportunities for the local area.
- To mitigate, to the extent feasible, the potential environmental impacts of the Proposed Projects.
- To provide development that is financially viable.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

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

On February 20, 2007, the City issued a Notice of Preparation (“NOP”) together with an Initial Study prepared for the Proposed Projects in accordance with the requirements of CEQA and the CEQA Guidelines; publication of the Notice of Preparation occurred in the Antelope Valley Press on February 25, 2007. The NOP was circulated for a period of thirty (30) days, and a scoping meeting was held on February 26, 2007, at Antelope Valley College to solicit comments on the Proposed Projects. The NOP was filed with the State Clearinghouse on February 20, 2007. The NOP and Initial Study are included in the DEIR as Appendix A. The responses to the NOP are included in Appendix B.

The DEIR was made available and distributed to agencies, interested organizations, and individuals by the City for public review on August 21, 2007. A forty-five day comment period was provided from August 21, 2007 to October 4, 2007. A public hearing was held before the Planning Commission on September 17, 2007, during which opportunity was provided to give oral and written comments on the DEIR. Comments received during the public review period for the DEIR were responded to in the Responses to Comments which was included in the FEIR, dated October 2007. The FEIR was distributed to agencies submitting comments on October 11, 2007.

The following documents comprise the FEIR for the Project:

- Draft Environmental Impact Report for the 30th Street West and Avenue K Projects, dated August 2007 including applicable revisions;
- Comments received on the DEIR and responses to those comments, published in the FEIR, dated October 2007;
- All analysis, attachments, incorporated documents, and references to the documents identified and referenced in the DEIR and FEIR, and submitted to the City as part of the EIR process.

The City Planning Commission considered the FEIR and the Project at its hearing on October 22, 2007 for certification of the FEIR and approval of the conditional use permits for the southeast corner and to make a recommendation to the City Council on the general plan amendments and zone changes; the Council considered the FEIR and the Project at its hearing on November 12, 2007.

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

As a result of the NOP circulated by the City beginning on February 20, 2007, and the Initial Study prepared by the City for the Proposed Projects, the City determined, based upon the threshold criteria for significance, that the Proposed Projects would have no impact on the following potential environmental effects, and therefore, determined that these potential environmental effects would not be addressed in the DEIR. Based upon the environmental

analysis presented in the Final EIR, and the comments received from the public on the DEIR, no substantial evidence has been submitted to or identified by the City which indicates that the Proposed Projects 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: No agricultural activities occur on the project site or in the project vicinity, and project development would not impact agricultural resources.

2. Mineral Resources: No known mineral resources occur within the project boundaries, according to Figure 2.0-9 of the *General Plan Master Environmental Assessment*. There would be no project impact to mineral resources.

3. Recreation and Parks: The Proposed Projects' development of commercial retail and 50 residential units would result in fewer permanent residents than the potential development of the sites under the existing zoning. Additionally, the southeast development would provide common open space for the townhomes. Therefore, the additional residents would be adequately served by existing park and recreation facilities in the City and immediate area and impacts would be less than significant.

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

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

- Aesthetics (Views, Light and Glare)
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazards Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services (Fire, Police, Schools, Libraries)
- Transportation and Traffic
- Utilities (Water, Wastewater, Solid Waste, Electricity, Natural Gas)

Where as a result of the environmental analysis of the Proposed Projects and the identification of project design features, compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures, the following potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a) (1) that "Changes or alterations have been required in, or incorporated into, the Proposed Projects which mitigate or avoid the significant effects on the environment," which is referred to herein as "Finding 1." Where the potential impact can be reduced to less than significant solely through adherence to and implementation of project design features or standard conditions, these

measures are considered “incorporated into the project” which mitigate or avoid the potentially significant effect, and in these situations, the City also will make “Finding 1” even though no mitigation measures are required, but will find that the potential impact has been reduced to Less Than Significant through either project design features incorporated into the Project or adherence to standard conditions.

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

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

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

A. AESTHETICS

The thresholds of significance for aesthetics, light, and glare are listed in Section IV.B on page IV.B-7 of the FEIR.

Potential Impact: Construction of the proposed projects would change the visual character of these two undeveloped parcels.

Finding: The City hereby makes Finding 1 with respect to impacts to the visual character of the project sites.

Facts in Support of Findings: The buildings height and massing would represent a substantial change in the visual character of the project sites; however, the change is primarily in the type not the massing of the structures. Once constructed, the buildings would blend in with the mix of one and two story buildings in the area. The proposed projects would be visually compatible with the surrounding community. The developments would alter the current visual character of the site, but whether that alteration would degrade or improve the visual character is a subjective assessment. Therefore, impacts would be less than significant.

Potential Impact: Structures within the proposed developments may block some of the views through the project sites.

Finding: The City hereby makes Finding 1 with respect to impacts on the views available through the project sites.

Facts in Support of Findings: The maximum height of the proposed developments would be two stories and/or 35 feet above grade. Due to the addition of development to currently vacant sites, view lines through the sites would be altered. Due to limited height (approximately 35 feet) of the structures, the long range views of the San Gabriel Mounts would not be substantially altered. Due to the distance from the mountains, long-range views from the surrounding area would be available above and around the proposed developments.

Potential Impact: Development of the proposed projects would result in an increase of light and glare from the project sites.

Finding: The City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the Proposed Projects which mitigate or avoid the significant effects on the environment with respect to light and glare impacts from the Proposed Projects.

Facts in Support of Findings: Section IV.B of the FEIR, specifically pages IV.B-9 and IV.B-11, analyzed the projects' potential to create light and glare impacts. It was determined that the increased lighting levels and glare from the two developments would be a potentially significant impact. However, Page IV.B-13 identifies five mitigation measures (Measures B-1 through B-5), which would reduce impacts the potential impacts to a less than significant level.

Potential Impact: Buildings in the proposed developments have the potential to create shade and shadow impacts on the nearby sensitive receptors.

Finding: The City hereby makes Finding 1 with respect to shade and shadow impacts on the nearby sensitive receptors.

Facts in Support of Findings: The proposed structures within both developments are not anticipated to cast shadows which would impact the neighboring uses. The shadows created as a result of the buildings on the southeast project site are not anticipated to go beyond the either the eastern or southern property line due to the distance of the structures from the property line. No structures are located to the north or west of the southeast site due to the presence of 30th Street West and Avenue K.

The proposed structures on the southwest project site may cast shadows on the property to the south and the west. The Marbella Villas are located to the south and may receive some shadows from the project site; however, the buildings are roughly the same height and therefore would not receive substantial shadows. Bethel Christian is located to the west of the project site. Shadows from the proposed structures may affect the recreational areas for short amounts of time and only in the morning. Therefore, impacts would be less than significant.

B. AIR QUALITY

The thresholds of significance for air quality are listed in Section IV.C, specifically pages IV.C-14 and IV.C-15, of the FEIR.

Potential Impact: The Proposed Projects could be inconsistent with the *2004 Ozone Attainment Plan* adopted by the Antelope Valley Air Quality Control District.

Finding: The City hereby makes Finding 1 with respect to the impact of the Proposed Project on the *2004 Ozone Attainment Plan*.

Facts to Support Finding: Pages IV.C-16 and IV.C-17 discuss the projects' consistency with the above mentioned plan. Although the proposed projects are not specifically identified in the current General Plan, the proposed projects would serve to reduce vehicle trips within the City by providing commercial uses on an underutilized site. Therefore, it would not conflict or obstruct implementation of the attainment plan.

Potential Impact: Construction activities could create significant air emissions that exceed the thresholds established by the Antelope Valley Air Quality Management District as discussed in Section IV.C, pages IV.C-17 through IV.C-20, of the FEIR.

Finding: The City makes Finding 3 with respect to the generation of air emissions during construction that exceed the thresholds of significance established by the Antelope Valley Air Quality Management District.

Facts to Support Finding: Section IV.C of the FEIR analyzes the potential for air emissions, including criteria pollutants and fugitive dust to exceed threshold levels as noted in the FEIR, and implementation of Mitigation Measures C-1 through C-12 cannot conclusively be deemed to reduce emissions below threshold levels. Therefore, although construction-related impacts are considered temporary, they are still significant.

Potential Impact: The Proposed Projects, when operational, would generate air emissions from both stationary sources and area/mobile source emissions. However, these emissions would not exceed the Antelope Valley Air Quality Management District-recommended thresholds.

Finding: The City hereby makes Finding 1 with respect to the Proposed Projects' operational emissions.

Facts to Support Finding: The FEIR estimates the potential air emissions of various criteria pollutants in Table IV.C-5 for full operation of the Proposed Projects. As noted in the referenced table, emissions would not exceed established thresholds. No mitigation measures are required and impacts would be less than significant.

Potential Impact: Odors could potentially odor as a result of the proposed restaurant uses on the project sites.

Finding: The City hereby makes Finding 1 with respect to potential operational odors from the proposed projects.

Facts to Support Findings: Page IV.C-22 of Section IV.C discusses the potential for odors to be generated as a result of restaurant uses. As identified, specific design features for the venting of exhaust air would prevent substantial odors from being released to the general public. Therefore, no mitigation measures would be required and impacts would be less than significant.

C. BIOLOGICAL RESOURCES

The thresholds of significance for biological resources are listed on Pages IV.D-16 and IV.D-17 of Section IV.D of the FIER.

Potential Impact: The Proposed Projects could potentially result in the direct loss of special status species.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact with regard to direct loss of special status species.

Facts to Support Finding: No special status plant or animal species were observed on the project sites during the project survey. Potential habitat for burrowing owls is present (suitable burrows), but no burrowing owls were observed during the focused surveys. However, the FEIR identifies a mitigation measure (Measure D-2) which would ensure that impacts to burrowing owls are less than significant.

Potential Impacts: Development of the Proposed Projects could impact nesting birds.

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 on nesting birds.

Facts to Support Finding: The project sites support a mix of California Junipers and Joshua trees which could provide suitable nesting sites for a variety of migratory bird species. Implementation of Mitigation Measure D-1 would ensure impacts to nesting birds are less than significant.

D. CULTURAL RESOURCES

Thresholds of significance for impacts to cultural resources are listed in Section IV.E of the FEIR.

Potential Impact: The southeast site does not contain any historic resources. However, the southwest site contains a scattering of historic debris, a well casing, and concrete foundations. Additionally, prehistoric sites have been previously identified in the vicinity of the project sites.

Finding: City hereby makes Finding 1 that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potential significant environmental effects of the project with respect to undiscovered cultural resources.

Facts in Support of Finding: The implementation of Mitigation Measures E-1 through E-6 will ensure that if undiscovered cultural resources are encountered during construction that they will be adequately evaluated prior to work proceeding forward on the site.

E. GEOLOGY AND SOILS

The thresholds of significance criteria for Geology and Soils impacts are set forth on pages IV.F-5 and IV.F-6 of the FEIR.

Potential Impact: The FEIR identifies that the Proposed Projects could create soil erosion during construction and operational activities (Section Page IV.F-6 of Section IV.F).

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 construction activities on geotechnical resources as identified in the FEIR.

Facts in Support of Finding: During construction activities the soil on the project sites would be exposed and susceptible to both wind and water erosion. Mitigation Measures identified in Section IV.C, Air Quality, and Section IV.H, Hydrology and Water Quality, require that wind and water erosion be controlled during construction activities. With implementation of the identified measures, soil erosion impacts during construction would be reduced to less than significant levels. Once the project sites have been paved, the potential for erosion would be minimal.

Potential Impacts: The FEIR evaluated the potential for the Proposed Projects to be affected by ground rupture, liquefaction or subsidence.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact with regard to these geotechnical factors.

Facts in Support of Finding: As discussed on Pages IV.F-7 and IV.F-8 of Section IV.F of the FEIR, the site is not within a fault rupture zone, is not located within an area identified as subject to subsidence or liquefaction.

Potential Impacts: The project sites would be subject to intense ground shaking in the event of an earthquake, which creates the risk of loss of life or property. There is also the potential for seismically-induced settlement of soil to take place during a seismic event and for expansive soils to be present (FEIR Section IV.F).

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 ground shaking, seismically induced settlement and expansive soil as identified in the FEIR.

Facts in Support of Finding: The potential for the loss of life or property from potential ground shaking in an earthquake, including the related effect soil settlement, and from

expansive soil can be minimized through proper engineering and construction of buildings and improvements. Mitigation Measures F-1 will provide an adequate level of protection by requiring a comprehensive geotechnical investigation to identify design recommendations that would ensure minimal impacts as a result of a seismic event or expansive soils.

F. HAZARDS AND HAZARDOUS MATERIALS

The thresholds of significance criteria for Hazards and Hazardous Materials impacts are set forth on page IV.G-14 of the FEIR.

Potential Impacts: The Proposed Projects would utilize and dispose of hazardous materials during the construction and operation of the developments, the improper use of which could impact nearby sensitive receptors.

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 potentially significant environmental impacts of the use/disposal of hazardous materials during construction and operation of the proposed developments as identified in the FEIR.

Facts in Support of Finding: Pages IV.G-14 and IV.G-16 of Section IV.G of the FEIR analyze the impacts of the proposed projects use/disposal of hazardous materials during construction and operation. Specifically during construction, fuels, solvents, paints, and other materials commonly found at construction sites would be utilized. The materials would be used and disposed of in accordance with all applicable rules and regulations. Additionally, mitigation measures provided in the Hydrology/Water Quality Section on Page IV.H- 6 through Page IV.H-8 would reduce impacts during construction to less than significant levels. During operation of the Proposed Projects, cleaning solvents would be used in association with janitorial cleaning and maintenance in the proposed retail/commercial spaces, as well as maintenance/landscaping and daily household activities in the residences. This would not involve substantial quantities of hazardous materials and the hazardous materials present would be handled in accordance with all applicable regulations. Therefore, impacts would be less than significant.

Potential Impacts: Section IV.G analyzed the potential for the accidental release of hazardous materials during construction.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact with regard to the accidental release of hazardous materials during construction.

Facts in Support of Finding: As stated on page IV.G-14 of the FEIR, no conditions were identified on the project sites that could result in the accidental release of hazardous materials during construction activities.

Potential Impacts: Section IV.G analyzed the potential for hazardous materials that could potentially be utilized during the operation of the proposed retail/commercial developments and the residential uses to be accidentally released.

Finding: The city hereby makes Finding 1 and determines that no significant impact with regard to the accidental release of hazardous materials would occur during the operation of the proposed projects.

Facts in Support of Finding: As stated in the FEIR on page IV.G-15, the proposed developments would use minimal amounts of hazardous materials, specifically janitorial supplies and potentially some maintenance/landscaping supplies (e.g., pesticide, fertilizer, etc.). These materials would be utilized and stored in small quantities and would not pose a risk of upset or significant environmental impact.

Potential Impacts: Page IV.G-14 and page IV.G-16 of Section IV.G analyzed the potential for conflicts with emergency response plans during the construction and operation of the proposed projects. No significant impacts were identified during either phase.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact with respect to emergency response plans during construction or operation of the proposed projects.

Facts in Support of Finding: As stated on page IV.G-14 of the FEIR, some temporary road closures may be required during construction of either project. However, these closures would be done in accordance with City permits and fire department notification. Therefore, no impact would occur during construction activities. While the proposed projects would increase the amount of traffic on streets adjacent to the project sites, mitigation measures have been identified which would ensure that impacts were less than significant. These measures are identified as Measures M-1 through M-5 and are listed on pages IV.M-31 through IV.M-33 of the FEIR. Additionally, the proposed projects would be required to comply with Mitigation Measure G-2 which requires the filing of an emergency response plan for the proposed developments.

Potential Impacts: The FEIR analyzed the potential for the proposed projects to be located on a hazardous materials site or to be impacted by one.

Findings: 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 environmental impact as identified in the FEIR.

Facts in Support of Finding: A regulatory database search was conducted during the preparation of the Draft EIR. The project sites are not listed on any hazardous materials site as discussed in the FEIR. Antelope Valley College is listed as having an underground storage tank; however, the college is located north of the project sites and the groundwater flow is to the northwest. Therefore, any potential problems associated with the underground storage tank would not impact the project sites. However, the southeast project site was previously utilized for agricultural purposes and pesticides may remain in the topsoil. Mitigation measure G-3 would ensure that any pesticide remaining the soil is below actionable levels and impacts would be less than significant. Also due to the previous use of the southeast site, undocumented oil wells may exist. Mitigation measure G-1 would ensure that in the event that an oil well was encountered, that it would be properly closed in accordance with all regulations.

G. HYDROLOGY AND WATER QUALITY

The thresholds of significance for hydrology and water quality are listed on page IV.H-4 of Section IV.H of the FEIR.

Potential Impact: The FEIR (Pages IV.H-5 – IV.H-6 of Section IV.H) evaluated the potential for the Proposed Projects to create significant effects with respect to depletion of groundwater supplies, alteration of the existing drainage pattern or significant increases in runoff that would create erosion or siltation, creation of runoff that would exceed the capacity of stormwater drainage systems, and placement of structures within a 100 year flood hazard area.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact with regard to these issues.

Facts in Support of Finding: Section IV.H of the FEIR indicates that the site does not function as a recharge area and would not make direct groundwater withdrawals; additional stormwater runoff would be adequately accommodated in either existing or proposed drainage improvements and that the projects sites are not located within a 100-year flood zone. Additionally, the FEIR identifies mitigation measures (Measures H-1 through H-3) which detailed the existing regulations that would ensure impacts are less than significant.

Potential Impacts: The Project could create a potential impact in regards to water quality standards from site runoff carrying various pollutants during construction and operation (Pages IV.H-4 and IV.H-5 of FEIR Section IV.H).

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 potential significant environmental effects of water quality degradation as identified in the FEIR.

Facts in Support of Finding: Mitigation Measures H-1 through H-3 would ensure that the stormwater/site runoff generated by the project sites meet all water quality standards.

H. LAND USE AND PLANNING

The thresholds of significance criteria for Land Use and Planning impacts are set forth on page IV.I-6 of the FEIR.

Potential Impacts: IV.I of the FEIR concludes that, although the Proposed Projects are not consistent with the current land use designations on the sites, they are consistent with the policies and programs of the City's General Plan and the Regional Comprehensive Plan and Guide (RCPG) of the Southern California Association of Governments (SCAG). Therefore, the re-designation of the sites as described in the FEIR as part of the approval of the Proposed Projects will be consistent with the City's General Plan and within the policies of the SCAG plan, and no mitigation measures are necessary.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact from the proposed re-designation of the sites.

Facts in Support of Finding: Section IV.I of the FEIR analyzes the Proposed Projects in light of the applicable goals, objectives, and policies of the City of Lancaster General Plan, and the applicable policies of the SCAG Regional Comprehensive Plan and Guide. This analysis demonstrates the project's consistency with both of these long-term plans.

I. NOISE

The thresholds of significance for construction-generated and operational noise impacts are listed on Pages IV.J-11 and IV.J-12 of Section IV.J of the FEIR.

Potential Impact: Construction activities associated with the Proposed Projects may create significant adverse noise impacts from both stationary and mobile noise sources (Pages IV.J-12 through IV.J-16 in FEIR Section IV.J).

Finding: The City hereby makes Finding 3 with respect to construction-related noise impacts.

Facts in Support of Finding: Construction-related noise caused by mobile and stationary sources, including heavy equipment and power tools, would affect the residents to the east and south of the southeast project site and to the south of the southwest project site. Due to the close proximity of the residences to the project site, the residents may be exposed to noise levels that exceed the limits established by the City's general plan. Even though such noise may be temporary, it would still be considered a significant impact. The implementation of Mitigation Measures J-1 to J-8 would reduce, to the extent feasible, but they cannot be deemed to reduce impacts below limit of the City's general plan.

Potential Impact: Construction activities associated with the Proposed Projects may create significant groundborne-vibration impacts which impact the sensitive receptors located adjacent to the sites (Pages IV.J-16 to IV.J-17 in FEIR Section IV.J).

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 potentially significant environmental effects of groundborne-vibration on the adjacent sensitive receptors as identified in the FEIR.

Facts in Support of Finding: Groundborne vibration caused by construction equipment would affect the residents located to the east and south of the southeast project site and to the south of the southwest project site by exceeding the established 80 vdB threshold. Mitigation measures J-9 and J-10 have been identified which would reduce the level of impact at the receptors by prohibiting the use of certain types of equipment within a certain distance of the property line. With implementation of these measures impacts from groundborne vibration would be less than significant.

Potential Impact: Operational impacts of the proposed projects could create significant noise impacts from point sources, mobile sources, and loading dock activities, as detailed on Pages IV.J-18 to IV.J-22 of Section IV.J of the FEIR.

Finding: The City hereby makes Finding 1 with respect to point source noise impacts and mobile sources, and Finding 3 with respect to loading dock activities.

Facts in Support of Finding: Point source noise impacts would not be significant because of the distance between the likely sources on the project sites (e.g., HVAC) and the sensitive uses located adjacent to the sites. Additionally, these sources would be screened from view, effectively breaking the line of sight and reducing the perceived noise levels. Mitigation measure J-11 would ensure that impacts from point sources would be less than significant. Traffic generated by the proposed projects is not substantial enough to raise the ambient noise levels by 3 dB which is the minimum level perceivable by the human ear (see Table IV.J-10 of the FEIR). Due to the location of the proposed loading docks, loading areas, and trash enclosures on the project sites and the proximity to the sensitive receptors surrounding the project sites, the proposed projects would result in significant impacts from delivery activity and solid waste collection activity. Mitigation measures J-12 through J-16 would reduce these noise impacts to the extent feasible. With incorporation of these measures the loading dock/solid waste collection noise impacts on the southwest corner would be reduced to a less than significant level. However, these noise impacts would remain significant and unavoidable on the southeast corner.

J. POPULATION AND HOUSING

The thresholds of significance for population and housing impacts are listed on Page IV.K-3 of Section IV.K of the FEIR.

Potential Impacts: Section IV.K of the FEIR analyzed the potential impacts of the proposed projects with respect to population, housing, and employment and determined that all impacts would be less than significant.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact from the proposed project with respect to population, housing, or employment.

Facts in Support of Finding: Section IV.K of the FEIR analyzes the potential population, housing, and employment impacts associated with the construction and operation of the proposed projects. Based on the analysis, it was determined that while the proposed projects would increase the residents on the project site and would provide employment during the construction and operation of the development, this increase has already been accounted for in the Southern California Association of Government's forecasts for the City. Therefore, impacts would be less than significant.

K. PUBLIC SERVICES

The thresholds of significance for public services are listed on pages IV.L-2, IV.L-6, IV.L-10, and IV.L-15 of Section IV.L of the FEIR.

Potential Impacts: Section IV.L of the FEIR evaluated the potential fire protection, police protection, school, and library impacts of the proposed project. Based on information obtained from the contained in this section of the FEIR, any potential impacts to these services would be less than significant and no mitigation measures are required.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact from the proposed development of the project sites on utilities.

Facts in Support of Finding: Section IV.L of the FEIR analyzes the Proposed Projects in light of the proposed impacts to fire protection services, police protection, libraries, and schools. This analysis demonstrates the ability of these agencies to provide services to the project site and impacts would be less than significant.

L. TRANSPORTATION AND TRAFFIC

The thresholds of significance for transportation and circulation are listed on Pages IV.M-9 and IV.M-10 of Section IV.M of the FEIR.

Potential Impact: Development of the proposed projects would generate the need for parking to be provided and the lack of sufficient parking could be a potentially significant impact.

Finding: The City hereby makes Finding 1 and determines that there would be no impact from parking with respect to the southeast project site and Finding 3 with respect to parking on the southwest project site in the event that the site plan is not revised.

Facts to Support Finding: Page IV.M-20 of the FEIR discusses the proposed parking requirements for each of the project sites. As discussed in the FEIR, the southeast project site is required to provide a total of 328 parking spaces and based on the site plan in the FEIR provides 388. Therefore, the southeast site exceeds the required parking and no impact would occur. The southwest project site is required to provide 234 spaces and based on the site plan in the FEIR only provides 216. This is would be a significant unavoidable impact unless the site plan is revised.

Potential Impact: Development of the proposed project will generate additional traffic flow that will significantly affect five off-site traffic facilities.

Finding: The City makes Finding 1 that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the potential significant environmental effects of increased traffic levels. The City makes Finding 3 in the event that right-of-way cannot be acquired to implement the identified mitigation measures, specifically Mitigation measure M-2 for the intersection of 30th Street West and Avenue K.

Facts in Support of Finding: The project will generate additional traffic that will affect off-site intersections as analyzed within the traffic study completed as part of the FEIR (Section IV.M). The traffic study analyzed a total of 12 intersections and identified 5 intersections that would be significantly impacted as a result of constructing and

operating the Proposed Projects: 40th Street West & Avenue K, 30th Street West & K, Avenue K & future driveway east of 30th Street West, 27th Street West and Avenue K, and 30th Street West & Avenue K-4. Mitigation measures were identified that the applicants would be required to install or to pay a fair share of the construction of these off-site facilities. With implementation of the identified mitigation measures, traffic impacts associated with the proposed projects would be less than significant. However, the potential exists that the right-of-way is not available for the proposed improvement at 30th Street West and Avenue K. In the event that this mitigation measure cannot be implemented, the impacts at this intersection would remain significant and unavoidable.

M. UTILITIES

The thresholds of significance for utilities are listed on pages IV.N-4, IV.N-9, IV.N-15, IV.N-20, and IV.N-24 of Section IV.N of the FEIR.

Potential Impacts: Section IV.N of the FEIR evaluated the potential water, wastewater, solid waste, electricity, and natural gas impacts of the Proposed Projects. Based on information obtained from the utility providers and the Integrated Waste Management Board, it was determined that adequate supply exists to serve both proposed developments and that any impacts would be less than significant.

Finding: The City hereby makes Finding 1 and determines that there is no significant impact from the proposed development of the project sites on utilities.

Facts in Support of Finding: Section IV.N of the FEIR analyzes the Proposed Projects in light of the proposed consumption of water, natural gas, and electricity and the generation of solid waste and wastewater. This analysis demonstrates the availability of the utilities to serve the sites and the proposed projects less than significant impacts.

6. FINDINGS ON PROJECT ALTERNATIVES CONSIDERED IN THE DRAFT EIR

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

- Alternative 1: No Project – No Development
- Alternative 2: Reduce Density
- Alternative 3: No Project – Development under the Existing General Plan

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

- To create development on the currently underutilized project sites to provide housing and retail facilities to serve the local community.
- To provide a well-designed development that is compatible and complementary with surrounding land uses and develops land within the urban core.
- To provide adequate parking facilities to serve the proposed development residents, customers, and employees.
- To generate employment opportunities for the local area.
- To mitigate, to the extent feasible, the potential environmental impacts of the Proposed Projects.
- To provide development that is financially viable.

A. *ALTERNATIVE 1: 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 the project sites would not be developed as proposed, the current undeveloped condition of the project sites would remain unchanged, and no additional improvements and no development would occur.

In comparing the potential impacts to the Proposed Projects, Alternative 1 would have no impacts as compared to the proposed projects. Thus, significant impacts identified in the FEIR with respect to the proposed projects would not occur under this alternative. In conclusion, while Alternative 1 would have less impacts than the Proposed Projects, this alternative would fail to meet any of the projects' objectives. Further, from a practical standpoint this site would likely eventually develop given its location within the urban core of the City, thus leading to impacts similar to those discussed under Alternative 3.

Finding: Alternative 1 would have less environmental impacts than the Proposed Projects; however, it would not achieve any of the projects' objectives, and would most likely result in development as envisioned under Alternative 3 in the long term. The City therefore finds that Alternative 1 is not preferable to the proposed projects.

B. *ALTERNATIVE 2: REDUCED DENSITY*

Alternative 2 proposes to develop both sites with the same mix of uses identified in the proposed project, but at a smaller scale (reduced by approximately 25%). Under this alternative, the general plan amendments and zone changes would still be required. Specifically, the southwest corner would be developed with approximately 19,350 square feet of retail space, 7,875 square feet of restaurant use, and 162 parking spaces. The southeast corner would be

developed with approximately 32,150 square feet of retail space and 204 associated parking spaces along with 38 townhomes and 86 associated parking spaces.

In comparison to the proposed project, this alternative would have no difference with respect to aesthetics, construction air quality, biological resources, cultural resources, geology and soils, hazards, land use and planning, construction noise, population/housing, services, and utilities. Alternative 2 would reduce the operational air quality impacts, operational noise impacts, and traffic impacts. However, it may not reduce the noise and traffic impacts to less than significant levels. Alternative 2 would meet a significant number of the project objectives, but would not meet all of the objectives.

Finding: Alternative 2 would result in a lessening of some significant impacts compared to the proposed project, and but would not necessarily reduce operational noise or traffic impacts to less than significant levels. Further, although Alternative 2 would meet many of the project objectives, it would not meet all of the objectives. The City therefore finds that Alternative 2 is not preferable to the proposed project.

C. ALTERNATIVE 3: NO PROJECT – DEVELOPMENT UNDER THE EXISTING GENERAL PLAN

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 1 assumes that the proposed projects would not be constructed and neither would any further development. Alternative 3, the second “no project” alternative, assumes that neither parcel would be developed as proposed; however, Alternative 3 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 proposed projects 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 Urban Residential (UR) and the zoning for the southeast and southwest project sites is currently R-10,000 (single family residential, minimum lot size 10,000 square feet) and R-7,000 (single family residential, minimum lot size 7,000 square feet), respectively. As compared to the proposed projects, this alternative would allow for the development of approximately 28 single family residences on the southwest site and 37 single family residences on the southeast site.

In comparing the potential impacts of the proposed projects, Alternative 3 would have potentially less impacts with respect to aesthetics (views and light and glare), operational air quality impacts, hydrology and water quality, land use, operational noise, services, utilities, and traffic. This alternative would have potentially the same impacts with respect to construction air quality, biological resources, cultural resources, geology, hazards, construction noise, and population and housing.

In conclusion, Alternative 3 would meet some of the projects’ objectives, but would not provide for commercial uses in the area and at this time may not be financially viable. Additionally, this alternative does not reduce some of the significant unavoidable impacts associated with the proposed projects, specifically construction related air quality and noise impacts.

Finding: Alternative 3 does not conclusively lessen the significant impacts of the Proposed Projects and does not meet most of the objectives of the proposed project. The City finds that the No Project – Development Under the Existing General Plan is less desirable than the proposed projects because the Alternative does not avoid or substantially lessen a majority of the significant impacts of the proposed projects.

7. STATEMENT OF OVERRIDING CONSIDERATIONS

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed Projects, 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 meets the City' General Plan goals of providing commercial facilities to serve the local area residents, including the college community located to the north of the site.

B. The Project will provide commercial locally within the City of Lancaster, thereby reducing the need for City residents to travel longer distances for these goods and services. This will contribute to a regional reduction in vehicle miles traveled with a concurrent reduction in air emissions from mobile sources, which is consistent with the goals of the Southern California Association of Governments.

C. The Project will generate revenue to the City over the long term, thereby providing a source of funding for essential City services, and will act to help stop leakage of commercial revenue to neighboring cities and regions.

X. MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM PROCEDURES

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a "reporting or monitoring program for the changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment" (Mitigation Monitoring Program, Section 15097 of the CEQA Guidelines provides additional direction on mitigation monitoring or reporting). The City of Lancaster Planning Department is the Lead Agency for the 30th Street West and Avenue K Projects.

An Environmental Impact Report has been prepared to address the potential environmental impacts of the Proposed Projects. Where appropriate, this environmental document identified project design features or recommended mitigation measures to avoid or to reduce potentially significant environmental impacts of the Proposed Projects. This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the mitigation measures identified for the proposed project. The MMRP is subject to review and approval by the Lead Agency as part of the certification of the EIR and adoption of project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the Draft EIR, with an accompanying discussion of the following:

- Monitoring Phase, the phase of the project during which the mitigation measure shall be monitored. Because the Proposed Project involves transition of the project from one operating use to another as well as expansion of existing operations, the usual project phases utilized by the City Planning Department (i.e., pre-construction, construction, operation) do not generally apply to this project. For this reason, for purposes of this project, the monitoring phase describes the point in time at which the mitigation measure would be required to be implemented in order to address the environmental impact that necessitates the mitigation measure.
- The Implementation Party, the entity with the responsibility for implementing the mitigation measure
- The Enforcement Agency, the agency with the power to enforce the mitigation measure,
- The Monitoring Agency, the agency to which reports involving feasibility, compliance, implementation and development are made, and
- Which Project(s) the mitigation measure applies to.

The MMRP performance shall be monitored annually to determine the effectiveness of the measures implemented in any given year and reevaluate the mitigation needs for the upcoming year. The project developer shall be responsible for implementing all mitigation measures unless otherwise noted. The project developer shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation

measure has been implemented. Departments listed below are all departments of the City, unless otherwise noted.

AESTHETICS

B-1 Project lighting shall be directed onto the site, and all lighting shall be shielded from adjacent roadways and off-site properties.

Monitoring Phase: Construction, Operation
Implementation Party: Applicant
Enforcement Agency: Planning Department
Monitoring Agency: Planning Department
Project(s): Southwest and Southeast

B-2 Atmospheric light pollution shall be minimized by utilizing lighting fixtures that cut-off light directed to the sky.

Monitoring Phase: Construction, Operation
Implementation Party: Applicant
Enforcement Agency: Planning Department
Monitoring Agency: Planning Department
Project(s): Southwest and Southeast

B-3 Expansive areas of highly reflective materials, such as mirrored glass, shall not be permitted.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southwest and Southeast

B-4 Non-reflective building materials shall be used to the extent feasible to reduce potential glare impacts.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southwest and Southeast

- B-5 The proposed buildings shall incorporate non-reflective exterior building materials (such as plaster and masonry) in their design. Any glass to be incorporated into the façade of the building shall be either of low-reflectivity, or accompanied by a non-glare coating.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southwest and Southeast

AIR QUALITY

- C-1 Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast

- C-2 Apply chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast

C-3 Water active grading sites at least three times daily.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast

C-4 Enclose, cover, water three times daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast

C-5 Replace ground cover in disturbed areas as quickly as possible.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast

C-6 Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
 Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast

- C-7 Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
- Monitoring Phase:** Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast
- C-8 Sweep streets at the end of the day if visible soil material is carried over to adjacent roads.
- Monitoring Phase:** Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast
- C-9 Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Monitoring Phase:** Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast
- C-10 Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Monitoring Phase:** Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Monitoring Agency: Building and Safety Division,
Antelope Valley Air Quality Management District
Project(s): Southwest and Southeast

C-11 The project applicant shall require in the construction specifications for the Proposed Projects that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, are turned off when not in use for an extended period of time (i.e., 5 minutes or longer). The contract specifications shall be reviewed by the City prior to issuance of a grading permit.

Monitoring Phase:	Pre-Construction
Implementation Party:	Applicant
Enforcement Agency:	Building and Safety Division
Monitoring Agency:	Building and Safety Division
Project(s):	Southwest and Southeast

C-12 The project applicant shall require in the construction specifications for the Proposed Projects that construction operations rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible. The contract specifications shall be reviewed by the City prior to issuance of a grading permit.

Monitoring Phase:	Pre-Construction
Implementation Party:	Applicant
Enforcement Agency:	Building and Safety Division
Monitoring Agency:	Building and Safety Division
Project(s):	Southwest and Southeast

BIOLOGICAL RESOURCES

D-1 To avoid impacting nesting birds, the following shall be implemented:

A qualified wildlife biologist shall conduct a pre-construction nesting bird survey no more than 5 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity (at least 300 feet around the project sites). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the CDFG and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that (1) no active nests are present, or (2) that the young have fledged, shall be submitted to the City prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.

Monitoring Phase:	Pre-Construction, Construction
Implementation Party:	Applicant
Enforcement Agency:	Planning Department,
Monitoring Agency:	Planning Department,
Project(s):	Southwest and Southeast

D-2 In order to avoid adverse impacts to burrowing owls, a pre-construction survey for burrowing owls shall be performed on the project sites within 30 days prior to ground disturbance. The survey shall be performed according to accepted burrowing owl survey protocols by a qualified biologist. The results of the survey shall be reported to CDFG and the City of Lancaster prior to ground disturbance. If any burrowing owls are found on-site during the pre-construction surveys, passive relocation of the owls shall be completed outside of the nesting season according to California Burrowing Owl Consortium guidelines; a report shall be prepared by a qualified biologist following any passive relocation efforts documenting the methods and results of the relocation activities. All ground disturbances associated with site development and construction shall be postponed until passive relocation efforts have been completed and the associated report has been submitted to CDFG.

Monitoring Phase:	Pre-Construction, Construction
Implementation Party:	Applicant
Enforcement Agency:	Planning Department,
Monitoring Agency:	Planning Department,
Project(s):	Southwest and Southeast

CULTURAL RESOURCES

E-1 A qualified archaeologist shall be retained to conduct limited monitoring during grading activities in order to observe and retrieve any buried artifacts that may be uncovered.

Monitoring Phase:	Pre-Construction
Implementation Party:	Applicant
Enforcement Agency:	Planning Department
Monitoring Agency:	Planning Department
Project(s):	Southwest and Southeast

E-2 The archaeological monitor shall have the authority to temporarily divert or direct grading to allow time to evaluate any exposed prehistoric or historic material.

Monitoring Phase:	Construction
Implementation Party:	Applicant
Enforcement Agency:	Planning Department, Building and Safety Division
Monitoring Agency:	Planning Department, Building and Safety Division
Project(s):	Southwest and Southeast

E-3 If human remains are found during the excavation, the Native American Graves Protection Act Guidelines and State law [Health and Safety Code Sec.7050.5 and Public Resources Code Sec.15064.5 (f)] require that construction personnel:

- o Halt the work in the immediate area;
- o Leave the remains in place; and
- o Contact the project personnel, and the Los Angeles County Coroner.

Until a representative of the Coroner's office reviews the remains in the field, they must not be removed. If the Coroner determines that the remains are prehistoric, the Coroner shall contact the Native American Heritage Commission and the most likely descendent from the Native American community is informed. The final deposition of remains is coordinated by representatives of the property owner and the most likely descendent.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department,
 Building and Safety Division
Monitoring Agency: Planning Department,
 Building and Safety Division
Project(s): Southwest and Southeast

E-4 If prehistoric artifacts or a buried deposit is uncovered, the qualified archaeologist shall temporarily halt construction activities in the immediate area until the archaeologist can evaluate the significance of the find. Implementation of a recovery program would follow, if the remains are determined potentially eligible to the California Register.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department,
 Building and Safety Division
Monitoring Agency: Planning Department,
 Building and Safety Division
Project(s): Southwest and Southeast

- E-5 A final monitoring report, including an itemized inventory and pertinent field data, shall be sent to the property owner, the South Central Coastal Information Center at California State University Fullerton, and the City of Lancaster Planning Department.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department
Monitoring Agency: Planning Department
Project(s): Southwest and Southeast

- E-6 Any recovered artifacts shall be offered to a repository with a retrievable collection system and an educational and research interest in the materials. One local repository that currently would be appropriate to receive any artifacts collected in the study area is the Anthropology Department at the University of California, Los Angeles; others include the Antelope Valley Community College and the Antelope Valley Indian Museum.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department
Monitoring Agency: Planning Department
Project(s): Southwest and Southeast

GEOLOGY/SOILS

- F-1 Comprehensive geotechnical investigations for the project sites shall be conducted and submitted to the City of Lancaster as part of the permitting process for the Proposed Projects. The specific design recommendations presented in the comprehensive geotechnical reports shall be incorporated into the design and construction of the Proposed Projects.

Monitoring Phase: Pre-Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

HAZARDS AND HAZARDOUS MATERIALS

- G-1 In the unlikely event any undocumented oil wells are encountered during the construction of the Proposed Projects, the project applicant shall prove to the satisfaction of the Director of Building and Safety that all oil wells found within the subject property have been closed and abandoned to the most current abandonment standards required by the California Division of Oil and Gas.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southwest and Southeast

- G-2 The project applicant shall prepare and submit an emergency response plan for approval by the City of Lancaster Planning Department and the County of Los Angeles Fire Department. The emergency response plans shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

Monitoring Phase: Pre-Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division,
 County of Los Angeles Fire Department
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

Project Specific Mitigation Measures

The following mitigation measure is required for the southeast project.

- G-3 Soil sampling and laboratory analysis shall be conducted to determine the presence/absence of residual agricultural chemicals in the soil. In the event that residual chemicals exist in the soil above allowable levels, the soil shall be removed in accordance with all applicable regulations.

Monitoring Phase: Pre-Construction, Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department
Monitoring Agency: Planning Department
Project(s): Southeast

HYDROLOGY/WATER QUALITY

H-1 The project developers shall prepare and submit a Notice of Intent to comply with the Construction General Permit to the State Water Resources Control Board.

Monitoring Phase: Pre-Construction
Implementation Party: Applicant
Enforcement Agency: State Water Resources Control Board
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

H-2 The project developers shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and erosion control plan per the requirements of the Construction General NPDES Permit.

Monitoring Phase: Pre-Construction
Implementation Party: Applicant
Enforcement Agency: Regional Water Quality Control Board
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

H-3 The project developers shall implement the following SWPPP BMPs:

- During construction and operation, all waste shall be disposed of in accordance with all applicable laws and regulations. Properly labeled recycling bins shall be utilized for recyclable construction materials including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials and wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed, regulated disposal site by a licensed waste hauler.
- All leaks, drips and spills occurring during construction shall be cleaned up promptly and in compliance with all applicable laws and regulations to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- If materials spills occur, they should not be hosed down. Dry cleaning methods shall be employed whenever possible.
- Construction dumpsters shall be covered with tarps or plastic sheeting if left uncovered for extended periods. All dumpsters shall be well maintained.
- The project applicant/developer shall conduct street sweeping and truck wheel cleaning to prevent dirt in storm water.
- The project owner/developer shall provide regular sweeping of private streets and parking lots with equipment designed for removal of hydrocarbon compounds.
- The amount of exposed soil shall be limited and erosion control procedures implemented for those areas that must be exposed.

- Grading activities shall be phased so that graded areas are landscaped or otherwise covered, as quickly as possible after completion of activities.
- Appropriate dust suppression techniques, such as watering or tarping, shall be used in areas that must be exposed.
- The area shall be secured to control off-site migration of pollutants.
- Construction entrances shall be designed to facilitate removal of debris from vehicles exiting the site, by passive means such as paved/graveled roadbeds, and/or by active means such as truck washing facilities.
- Truck loads shall be tarped.
- Roadways shall be swept or washed down to prevent generation of fugitive dust by local vehicular traffic.
- Simple sediment filters shall be constructed at or near the entrances to the storm drainage system wherever feasible.

Monitoring Phase: Pre-Construction, Construction
Implementation Party: Applicant
Enforcement Agency: Regional Water Quality Control Board
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

H-4 Continuous Deflective Separators (CDS), where used, shall be equipped with lids that seal securely to exclude mosquitoes.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Regional Water Quality Control Board
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

H-5 Discharge orifices such as debris screens shall be checked regularly to ensure proper flow and avoid clogs.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Regional Water Quality Control Board
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

- H-6 All structures should be easily and safely accessible to allow Antelope Valley Mosquito & Vector Control District technicians to monitor and, if necessary, abate mosquitoes.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Regional Water Quality Control Board
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

NOISE

Construction Noise

- J-1 The Proposed Projects shall comply with Section 8.24.040 of the City of Lancaster Municipal Code, which prohibit construction activity within 500 feet of an occupied dwelling on Sundays and between the hours of 8:00 p.m. and sunrise on other days.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department,
 Building and Safety Division
Monitoring Agency: Planning Department,
 Building and Safety Division
Project(s): Southwest and Southeast

- J-2 Noise and groundborne vibration construction activities whose specific location on the project sites may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

- J-3 Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

- J-4 The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

- J-5 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

- J-6 Barriers such as plywood structures or flexible sound control curtains shall be erected between the Proposed Projects and the adjacent sensitive land uses to minimize the amount of noise to the maximum extent feasible during construction.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

J-7 All construction truck traffic shall avoid residential areas and other sensitive receptors to the extent feasible.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

J-8 Two weeks prior to the commencement of construction at the project sites, notification must be provided to the surrounding off-site residential and school uses that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. The contractor shall provide the name and telephone number of a contact person on the project to whom questions and complaints may be directed.

Monitoring Phase: Pre-Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department,
 Building and Safety Division
Monitoring Agency: Planning Department,
 Building and Safety Division
Project(s): Southwest and Southeast

Construction Vibration

J-9 Operation of large bulldozers shall be prohibited within 50 feet of the eastern property line and within 25 feet of the southern property line of the southeast parcel. Small rubber-tired bulldozers must be used within these areas during grading and site preparation operations.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

- J-10 Operation of large bulldozers shall be prohibited within 50 feet of the southern property line of the southwest parcel. Small rubber-tired bulldozers must be used within these areas during grading and site preparation operations.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

Operation

- J-11 All new mechanical equipment (i.e., air conditioning, refrigeration, heating, pumping, and filtering equipment) associated with the Proposed Projects shall be installed with proper shielding and muffling devices such that noise generated from this equipment would not exceed the ambient noise level on the premises of other occupied properties by more than five decibels.

Monitoring Phase: Construction, Operation
Implementation Party: Applicant
Enforcement Agency: Building and Safety Division
Monitoring Agency: Building and Safety Division
Project(s): Southwest and Southeast

- J-12 On the southwest parcel, the project applicant shall construct a concrete block noise wall along the southern property line. This wall shall be of sufficient height to block the line of sight between loading dock areas on the southwest parcel and upper story windows of the Marbella Villas townhome units that are adjacent to and face the southern property line of the southwest parcel. A landscape buffer shall be provided between the wall and the townhome units containing trees that are at least the height of the wall when initially planted.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southwest

- J-13 The residential uses associated with the southeast project site shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which insure an acceptable interior noise environment.

Monitoring Phase: Operation
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southeast

- J-14 The project applicant for the southeast project site shall submit evidence, along with the application for a building permit, that sound insulation for the proposed residential units will be sufficient to mitigate interior noise levels to below a CNEL of 45 dBA in any habitable room.

Monitoring Phase: Pre-Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southeast

- J-15 On the southeast parcel, the project applicant shall construct a concrete block noise wall along the eastern property line. This wall shall be of sufficient height to block the line of sight between loading dock areas on the southwest parcel and upper story windows of the single family residential units that are adjacent to and face the eastern property line of the southeast parcel. A landscape buffer shall be provided between the wall and the residential units containing trees that are at least the height of the wall when initially planted.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Planning Department, Building and Safety Division
Monitoring Agency: Planning Department, Building and Safety Division
Project(s): Southeast

- J-16 Deliveries of commercial products to the proposed commercial retail facilities and grocery products to the proposed grocery store shall occur between the hours of 7:00 a.m. to 10:00 p.m., to the maximum extent feasible.

Monitoring Phase: Operation
Implementation Party: Applicant
Enforcement Agency: Planning Department
Monitoring Agency: Planning Department
Project(s): Southeast

TRANSPORTATION AND TRAFFIC

40th Street West & Avenue K

- M-1 Currently Avenue K provides one left turn lane and one shared through/right turn lane in the eastbound direction. If sufficient right-of-way is available, the south side of Avenue K west of 40th Street shall be widened to provide an exclusive eastbound right turn lane. A fair share contribution shall be required from both projects to implement this mitigation measure, if both projects proceed. If one project proceeds prior to the other, Conditions of Approval for the first project approved shall reflect that the fair share contribution is required in the event the second project is approved.

Monitoring Phase:	Construction
Implementation Party:	Applicant
Enforcement Agency:	Department of Public Works
Monitoring Agency:	Department of Public Works
Project(s):	Southwest and Southeast

30th Street West & Avenue K

- M-2 30th Street West and Avenue K currently provides dual left turn lanes in all directions with two north and two southbound lanes and three east and westbound lanes. Right turn lanes are available on the north and southbound approaches. However, the east and westbound approaches share one of the through lanes for right turns. If right-of-way is available, the north side of Avenue K east of 30th Street West shall be widened to construct a dedicated westbound right turn lane. A fair share contribution shall be required for both projects to implement this mitigation measure, if both projects proceed. The first project approval shall include Conditions of Approval to require the fair share contribution for the second project in the event that the second project is approved.

Monitoring Phase:	Construction
Implementation Party:	Applicant
Enforcement Agency:	Department of Public Works
Monitoring Agency:	Department of Public Works
Project(s):	Southwest and Southeast

Avenue K & Eliopulos Drive & Future Driveway e/o 30th Street West

- M-3 The existing southbound Eliopulous Drive roadway is not channelized and the future driveway was evaluated as a single lane exit. The applicant shall restripe the intersection of the southbound approach to provide a dedicated left turn lane and shared through/right turn lane. The exiting traffic on the two driveways would need a two lane exit with a dedicated left turn lane and shared through/right turn lane. A fair share contribution shall be required

for both projects to implement this mitigation measure, if both projects proceed. The first project approval shall include Conditions of Approval to require the fair share contribution for the second project in the event that the second project is approved.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Department of Public Works
Monitoring Agency: Department of Public Works
Project(s): Southwest and Southeast

27th Street West & Avenue K

M-4 Design and installation of a new traffic signal at this intersection which is currently controlled with north and southbound stop signs will provide sufficient additional right-of-way to reduce the significant impact to a level of insignificance. A fair share contribution shall be required for both projects to implement this mitigation measure, if both projects proceed. The first project approval shall include Conditions of Approval to require the fair share contribution for the second project in the event that the second project is approved.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Department of Public Works
Monitoring Agency: Department of Public Works
Project(s): Southwest and Southeast

30th Street West & Avenue K-4

M-5 Currently the intersection operates with stop sign control in the east and west direction with a single lane in each direction. The intersection shall be restriped to provide east and westbound left turn lanes and a shared through/right turn lane. A fair share contribution shall be required for both projects to implement this mitigation measure, if both projects proceed. The first project approval shall include Conditions of Approval to require the fair share contribution for the second project in the event that the second project is approved.

Monitoring Phase: Construction
Implementation Party: Applicant
Enforcement Agency: Department of Public Works
Monitoring Agency: Department of Public Works
Project(s): Southwest and Southeast