

RESOLUTION NO. 19-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION BY DENYING THE APPEAL FOR CONDITIONAL USE PERMIT NO. 18-05 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A 122,871 SQUARE-FOOT MEDICAL CANNABIS CULTIVATION AND MANUFACTURING FACILITY, AND ADOPTING A MITIGATED NEGATIVE DECLARATION

WHEREAS, a Conditional Use Permit has been requested by Tradecraft Ventures, LLC ("Applicant for CUP"), to allow for the construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility on 15 acres at 43511 70th Street East (APN: 3386-007-035), and adoption of a mitigated negative declaration; and

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07, K70, LLC ("Applicant for GPA/ZC"), has initiated applications for (a) General Plan Amendment ("GPA") No. 18-03, and (b) Zone Change ("ZC") No. 18-03, to redesignate the subject property (APN 3386-007-035) from Non-Urban Residential (NU) to Light Industrial (LI); and

WHEREAS, pursuant to Section 17.24.040 of the Lancaster Municipal Code ("LMC"), the Applicant for GPA/ZC has requested a change to the zoning designation of the subject property from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) to LI (Light Industrial); and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.43 of the Lancaster Municipal Code; and

WHEREAS, a duly noticed public hearing was held by the Lancaster Planning Commission on September 17, 2018, and October 15, 2018, at which time the Commission adopted a resolution approving Conditional Use Permit No. 18-05; recommending approval of General Plan Amendment No. 18-03 and Zone Change No. 18-03; and adopting a mitigated negative declaration; and

WHEREAS, the appellant, Better Neighborhoods, Inc., subsequently filed an appeal of the Commission action on October 25, 2018, in accordance with Chapter 2.44 of the Lancaster Municipal Code; and

WHEREAS, on January 22, 2019, the City Council held a duly noticed public hearing on the appeal, reviewed and considered the staff report prepared regarding the appeal, and considered testimony presented during the public hearing; and

WHEREAS, the City Council, after considering all evidence in the record, hereby adopts the following findings in denial of this appeal:

- a. That the proposed use will not be in substantial conflict with the adopted general plan for the area.
- b. That the requested use at the location proposed will not:
 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- c. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- d. That the proposed site is adequately served:
 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and;
 2. By other public or private service facilities as are required.
- e. That the medical cannabis cultivation facility will serve a specific community need.
- f. That the distance waiver approved for the medical cannabis cultivation facility is not expected to result in an adverse effect on adjacent property, uses, or residents.

NOW, THEREFORE, BE IT RESOLVED:

1. This Council hereby denies the appeal and upholds the Planning Commission approval of Conditional Use Permit No. 18-05.
2. This resolution shall take effect immediately upon its passage.

PASSED, APPROVED and ADOPTED this 22nd day of January, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, MMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, California,
do hereby certify that this is a true and correct copy of the original Resolution No. 19-03, for which
the original is on file in my office.

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

(seal)

RESOLUTION NO. 19-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT NO. 18-03, AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM NON-URBAN RESIDENTIAL (NU) TO LIGHT INDUSTRIAL (LI)

WHEREAS, the subject property is approximately 15 acres located at 43511 70th Street East (APN: 3386-007-035); and

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07, K70, LLC (“Applicant”), has initiated an application for a General Plan Amendment (“GPA”) No. 18-03 to redesignate 15 acres from Non-Urban Residential (NU) to Light Industrial (LI); and

WHEREAS, pursuant to Section 17.24.040 of the Lancaster Municipal Code (“LMC”), the Applicant has initiated an application (Zone Change (“ZC”) No. 18-03), and requested a change to the zoning designation on the subject site from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) to Light Industrial (LI); and

WHEREAS, Staff has performed necessary investigations, prepared a written report, and recommended approval of these applications, subject to conditions; and

WHEREAS, on September 17, 2018, and October 15, 2018, the City’s Planning Commission held a public hearing on GPA No. 18-03 and ZC No. 18-03, notice of which was published and provided as required by law, and adopted Resolution No. 18-30 (the “Planning Commission Recommendation”), recommending to the City Council approval of GPA No. 18-03 and ZC No. 18-03; and

WHEREAS, the Planning Commission adopted and certified that it has reviewed and considered the information in the Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act (“CEQA”) (including its implementing regulations). The Planning Commission found that the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures detailed in the Mitigated Negative Declaration. The Planning Commission found, pursuant to Section 21082.1 of the Public Resources Code, that the Mitigated Negative Declaration prepared for the proposed project reflects the independent judgement of the City of Lancaster.

WHEREAS, public notice was published and given as required by law, and a public hearing was held on January 22, 2019, before the City Council; and

WHEREAS, the City Council desires to approve and adopt GPA No. 18-03;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. That the foregoing Recitals are true, correct and a substantive part of this Resolution.

Section 2. That the City Council hereby adopts the following General Plan Amendment findings, pursuant to Section 17.24.140 of the LMC, in support of approval of this application:

- a. Information presented at the public hearing shows that such amendment is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.

Section 3. That City Council staff is hereby authorized and directed to prepare, execute, and file a Notice of Determination pursuant to CEQA (including its implementing guidelines).

Section 4. That the City Council hereby approves GPA No. 18-03 to redesignate the subject property from NU to LI.

PASSED, APPROVED and ADOPTED this 22nd day of January, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, MMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 19-04, for which the original is on file in my office.

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

(seal)

ORDINANCE NO. 1054

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING THE CITY ZONING PLAN FOR APPROXIMATELY 15 ACRES OF LAND LOCATED AT 43511 70TH STREET EAST (ASSESSOR'S PARCEL NUMBER: 3386-007-035), KNOWN AS ZONE CHANGE NO. 18-03, FROM RR-2.5 (RURAL RESIDENTIAL, MINIMUM LOT SIZE 2.5 ACRES) TO LI (LIGHT INDUSTRIAL)

WHEREAS, pursuant to Section 17.24.060 of the Lancaster Municipal Code, an application has been filed by K70, LLC ("Applicant"), to change the zoning designation on approximately 15 acres located at 43511 70th Street East (Assessor Parcel Number 3386-007-035) from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) to LI (Light Industrial); and

WHEREAS, a notice of intention to consider a zone change of the subject property was given, as required by Section 17.24.110 of the Lancaster Municipal Code, and Sections 65854 and 65905 of the Government Code; and

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

WHEREAS, public notice was provided as required by law, and a public hearing was held on September 17, 2018, and October 15, 2018, at which the Planning Commission: (a) certified that it had reviewed and considered the information in the Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act (including its implementing regulations) prior to taking action, and (b) found the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures as detailed therein; and

WHEREAS, the City Council desires to approve the Applicant's request as set forth herein.

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

Section 1. The foregoing Recitals are true, correct and a substantive part of this Ordinance.

Section 2. The City Council hereby makes the following findings:

1. The proposed zone change from RR-2.5 to LI is consistent with the General Plan land use designation of LI (Light Industrial) proposed for the subject property.

2. Modified conditions warrant a revision in the zoning plan, as the proposed project site is compatible with the existing land uses within the surrounding properties. The property surrounding the project site is zoned RR-2.5, and is either undeveloped or contains agricultural uses.
3. A need for the proposed zoning classification of LI exists in order to provide for a suitable site for development as a medical cannabis cultivation and manufacturing facility.
4. The particular property under consideration is a proper location for the LI zoning classification, because it is compatible with the surrounding property, which is zoned RR-2.5. Two single-family homes, agricultural production and vacant land surround the proposed subject site. The proposed use is similar in nature to the existing produce packing and cold storage facility, and would continue to be compatible with the surrounding agricultural uses.

Section 3. The subject property is reclassified from RR-2.5 to LI.

Section 4. All environmental findings, and the Mitigated Negative Declaration, as contained in Attachment "B" of the Planning Commission Resolution No. 18-30, are hereby approved, adopted and incorporated in this Ordinance.

Section 5. Any ordinance previously adopted by the City Council shall be and hereby is repealed if and to the extent inconsistent with this Ordinance, provided, however, that each such ordinance shall otherwise remain in full force and effect.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 7. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in that regard, and this Ordinance shall take effect 30 days after adoption.

I, Britt Avrit, MMC, 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 22nd day of January, 2019, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, MMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1054, for which the original is on file in my office.

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

(seal)

44933 Fern Avenue
Lancaster, CA 93534



APPEAL FORM

PLEASE PRINT OR TYPE:

001251 09-01-2015

<u>Better Neighborhoods Inc.</u>			<u>(949) 556-8714</u>
Name of Appellant			Home Telephone Number
<u>17901 Von Karman Ave., Ste. 600</u>	<u>Irvine, CA</u>	<u>92614</u>	<u>(949) 556-8714</u>
Home Address of Appellant	City & State	Zip Code	Business Telephone Number

Send Correspondence and Notices to the following party:

singh@lawsingh.com
Email address

Attorney: Gurjit Singh, Esq. 399 N. Garrey Ave., 2nd Fl. Pomona, CA 91767 (818) 396-6841
Name and Address

CUP # 1805 - 43511 70th St., Lancaster, CA
Address and Description of Real Property Involved

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

Date of action/decision from which appeal is taken: 10/15/18 Case Number: CUP # 1805

Specific Action or Decision being appealed: The Planning Commission's Approval of the Project

Grounds for Appeal: (See Attachment)

Gurjit Singh 10/23/18
Attorney Signature Date

J. Michael Goolbsy 10/23/18
Appellant Signature Date

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

ATTACHMENT

APPELLANT: Better Neighborhoods Inc.

DETERMINATION APPEALED: On October 15, 2018, the Planning Commission adopted Resolution No. 18-30 approving Conditional Use Permit No. 18-05 to allow for the construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility, adopted a mitigated negative declaration, and approved General Plan Amendment No. 18-03 and Zone Change No. 18-03, with regard to the property located at 43511 70th St., Lancaster CA (the "Project").

Additional study is necessary on several issues to determine whether they might create significant environmental impacts resulting from the Project, and whether feasible mitigation measures can be implemented that would reduce the identified significant impacts to a less than significant level.

The Planning Commission did not adequately address or study or mitigate the potential significant impacts discussed in the comment letter submitted by Better Neighborhoods dated September 13, 2018 (attached hereto).

The Lancaster Planning Commission has approved SIX cannabis cultivation facilities since March 30, 2017. The City has not studied the cumulative impacts of all SIX such facilities.

Appellant hereby incorporates into this appeal all of the issues raised in its prior correspondence as well as any and all opposing comments made by others at or before the Planning Commission hearing approving this Project.



Better
NEIGHBORHOODS

17901 Von Karman Ave, Suite 600
Irvine, CA 92614
(949) 556-8714
www.better-neighborhoods.com/

September 13, 2018

Ms. Jocelyn Swain
Principal Planner
City of Lancaster
44933 N. Fern Ave.
Lancaster, CA 93534
Via email: jswain@cityoflancafterca.org

Re: Tradecraft Ventures Cannabis Cultivation and Manufacturing Facility
CUP No. 18-05 (the "Project")

Dear Ms. Swain,

Thank you for the opportunity to provide questions and comments regarding the above-referenced proposed Project.

Better Neighborhoods Inc. is an organization established to help people have a voice in local development decisions that can be heard equally to that of the planners and developers, to encourage smart growth that is consistent with the needs of the community, to protect the natural environment and our places of historical and esthetic significance, to support affordable housing, and to balance the needs for growth and livable cities.

The Project

Carlsbad-based Tradecraft Ventures LLC (the "Applicant") is proposing to develop a 122,871 square-foot indoor pot cultivation and manufacturing facility on 15 acres located at 43511 70th Street East (the "Project"). The property is currently developed as a produce packing facility. Phases I and III of the Project would consist of tenant improvements to the existing produce parking facility. Phase II consists of the construction of a new 54,600 square foot building for additional cannabis cultivation space. The applicant is requesting a General Plan amendment to change the

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designation from NU (Non-Urban Residential) to LI (Light Industrial) and zoning from RR-2.5 (Rural Residential, minimum lot size 2.5 acre) to LI.

We have some questions and concerns, as discussed in more detail below. In short, we believe that additional study is necessary on several issues to determine whether they might create significant environmental impacts resulting from the Project, and whether feasible mitigation measures can be implemented that would reduce the identified significant impacts to a less than significant level.

Land Use and Planning

The City cannot make the findings required by CEQA regarding land use. The Staff Report on page 36 simply asserts that the Project would be “consistent with the General Plan”, but ignores several policies in the City’s General Plan with which the proposed Project conflicts, including those relating to water resources, wastewater, and energy conservation.

As we explain in more detail below, the City should require the Applicant to modify the Project and the mitigation measures to cause the Project to comply with the following General Plan goals, policies, and objectives.

Goal 3: Water Resources.

One of the fundamental long-term constraints for urban and rural development in the Antelope Valley is the availability and quality of water. Presently, Lancaster depends on local groundwater supplies and importation of water from outside the area. Since water use is greater than local supply, *over drafting of the groundwater basin has occurred. Recent court decisions and dry weather have significantly reduced available water supplies.* With the Projected growth of the City, corresponding increases in demand are anticipated. To protect opportunities for long-term growth, supplemental water sources will be needed as well as sufficient storage capacity and a strong commitment to water conservation and the beneficial use of all supplies. {emphasis supplied}

The proposed Project conflicts with this Goal 3, because the Project has an extraordinary demand for water, that was not contemplated by the City in adopting the General Plan. Goal 3 anticipates increased demand, through additional use, but not from the conversion of a typical industrial use to this cannabis cultivation use, that consumes water at an unimagined rate. Certainly, the proposed Project conflicts directly with the Goal of a “strong commitment to water conservation and the beneficial use of all supplies.”

Policy 3.1.1: Ensure that development does not adversely affect the groundwater basin.

The proposed Project conflicts with this Policy, because the Project has an extraordinary demand for water, and together with other new development in the City is certain to adversely affect the groundwater basin. In Section IX(b) of the CEQA analysis that is part of the Initial Study, the Staff

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incorrectly concludes that the proposed Project would not affect the groundwater, because the Project applicant is required to obtain all of its water supplies from the LA County Water District No. 40 (LAWD). Of course, this is simply a silly avoidance of the truth of Lancaster's water supplies.

The LAWD obtains the water it supplies to Lancaster partly from the State Water Project and partly from Lancaster's own aquifer and groundwater. "This [LAWD Lancaster water] supply is supplemented by groundwater pumped from the Antelope Valley Groundwater Basin by approximately 50 wells owned and operated by the District" (<https://dpw.lacounty.gov/wwd/web/YourWater/WaterSources.aspx>).

Accordingly, the City cannot pretend that the Project will not affect groundwater, just because the Project applicant will purchase the water through a third party (LAWD) who then uses the City's own groundwater to supply to create the water.

Objective 3.1.1(d): Requires all general plan and zoning ordinance amendments to provide detailed factual statements of current water demand, proposed water demand, potential conservation, and water from new sources.

The City knows that this Project will have an enormous demand on water usage, and thus should require the Project to provide evidence that its water demand will be consistent with the General Plan and the rest of this City's uses who exist on a limited water diet.

Policy 3.1.3: Encourage the use of recycled tertiary treated wastewater when possible.

The proposed Project conflicts with this Policy, because treated wastewater was not even considered for this Project. We request that the City postpone consideration of this Project until the applicant delivers information to show how it can use tertiary treated wastewater in its process, or why it is not feasible.

Objective 3.1.3(f): As part of the development review process, condition new development where appropriate to implement recycled water systems and/or measures.

The proposed Project conflicts with this Policy, because treated wastewater was not even considered for this Project. We request that the City postpone consideration of this Project until the applicant delivers information to show how it can use tertiary treated wastewater in its process, or why it is not feasible.

Policy 3.6.3: Encourage the incorporation of energy conservation measures in existing and new structures.

Objective 3.6.3(f): Explore the feasibility of requiring solar systems in new residential and non-residential construction.

The proposed Project conflicts with this Policy and Objective, because no solar energy system is incorporated into the Project. Due to the request for a CUP, the City can and should require the applicant to use solar in their Project, especially considering the vast amount of electrical energy that this operation will use. We request that the City postpone consideration of this Project until the applicant delivers information to either incorporate rooftop solar into the Project, or to explain why it is not feasible to do so.

Potentially Significant Impacts - Electricity and GHG

There are many documented reports and studies that have shown that indoor cannabis facilities such as the Project cause significant environmental impacts, including that they are the most energy-intensive agricultural product in the U.S., that they require an extraordinary amount of electricity to operate -- which always leads to greenhouse gas (GHG) pollution that increases carbon emissions and, by extension, global warming.

The city has not studied or addressed the potential impact the Project will have on the grid and on any corresponding impact to local residents and businesses, nor has it adequately studied and mitigated the increased GHG and carbon emissions from this grow facility or the cumulative impacts from all of the other 5 such grow facilities approved by the City so far and those planned in the future.

Potentially Significant Impacts - Pollutants/Toxics

Heavy metal and toxins from lighting materials are an additional form of environmental risk from indoor cannabis cultivation. High-intensity discharge (HID) bulbs common in this industry are not recyclable and each bulb contains approximately 30 mg of mercury and other toxins. Mercury is a neurotoxin, and is recognized as extremely toxic, particularly in gaseous form. This potentially significant impact has not been addressed or mitigated.

Potentially Significant Impacts -Wastewater Discharge

Grow facilities such as the Project create massive amounts of polluted wastewater. There was no meaningful discussion or study of the sufficiency of nearby sewer capacity and downstream sewage treatment capacity that would be impacted by the Project. Merely stating that BMP's, or "Best Management Practices", will be utilized is not reassuring. Further, it is not at all clear whether wastewater discharge requirements related to water quality have been properly met by the Project Applicant. According to the State Water Resources Control Board, Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation, October 2017, these requirements are very complicated, and the record is not clear whether and how the Applicant has or will comply.

There also needs to be an analysis from public works confirming that the sewer capacity is adequate to handle treatment of the effluent from this Project.

Potentially Significant Impacts to Crime and Impact on Public Services

There are numerous studies and news reports showing that these facilities lead to more crime, more public health emergencies, and more strain on the police and fire departments, and that they put the public and law enforcement at serious risk. The city has not studied whether it has the resources needed to combat the anticipated level of crime and health emergencies the Project will create – let alone the cumulative impacts of all other similar facilities that may be planned in the future.

Potentially Significant Impacts to Public Health

It doesn't appear that the City has studied the potentially significant and detrimental impacts to public health that the facilities like the Project may create, specifically regarding reported increases in hospitalizations, exposure to children, workplace accidents, impaired drivers and increased traffic deaths.

CEQA Requirements

"The foremost principle under CEQA is that the Legislature intended the act "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 926.).

"The EIR requirement is the heart of CEQA." (Cal. Code Regs., tit.142, § 15003 (a)). (This Code Section is referred to hereafter as "CEQA Guidelines" or "Guidelines."). An EIR identifies the significant effects a Project will have on the environment, identifies alternatives to the project, and indicates the manner in which the significant effects can be mitigated or avoided. (Public Resources Code § 21002.1 (a).) Its purpose is to "inform the public and its responsible officials of the environmental consequences of their decisions before they are made", protecting the environment as well as informed self-government. (*Citizens for Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal. 3d 553, 564.). CEQA "creates a low threshold requirement for initial preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted." (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896, 904-905; Public Resources Code § 21151).

Moreover, while the absence of evidence in the record on a particular issue does not automatically give rise to a fair argument that a project may have a significant effect on the environment, an agency "should not be allowed to hide behind its own failure to gather relevant data" and

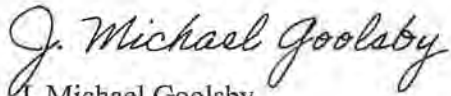
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"[d]efficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." (*Sundstrom*, 202 Cal. App. 3d at 311.)

Conclusion

For the above reasons, we respectfully request that the City deny the Project and direct the preparation of an EIR.

Sincerely,



J. Michael Goolsby
President and CEO
Better Neighborhoods, Inc.

ATTACHMENT B
Responses to the Appeal Letter

The following attachment responds to the entirety of the letter that was submitted with the appeal. This letter is the same letter that was submitted prior to the Planning Commission hearing, and was responded to orally during the hearing. Each paragraph is presented verbatim followed by the City's response.

Comment:

Better Neighborhoods, Inc., is an organization established to help people have a voice in local development decisions that can be heard equally to that of the planners and developers, to encourage smart growth that is consistent with the needs of the community, to protect the natural environment and our places of historical and esthetic significance, to support affordable housing, and to balance the needs for growth and livable cities.

Response: This comment provides information regarding the Better Neighborhoods, Inc., organization. No response is necessary.

Comment:

The Project

Carlsbad-based Tradecraft Ventures, LLC (the "Applicant"), is proposing to develop a 122,871 square-foot indoor pot cultivation and manufacturing facility on 15 acres located at 43511 70th Street East (the "Project"). The property is currently developed as a produce packing facility. Phases I and III of the Project would consist of tenant improvements to the existing produce parking facility. Phase II consists of the construction of a new 54,000 square-foot building for additional cannabis cultivation space. The applicant is requesting a General Plan amendment to change the designation from NU (Non-Urban Residential) to LI (Light Industrial) and zoning from RR-2.5 (Rural Residential, minimum lot size 2.5 acre) to LI.

We have some questions and concerns, as discussed in more detail below. In short, we believe that additional study is necessary on several issues to determine whether they might create significant environment impacts resulting from the Project, and whether feasible mitigation measures can be implemented that would reduce the identified significant impacts to a less than significant level.

Response: The above comment summarizes the proposed project description and states that they have questions and concerns related to several issues, which they believe will create significant impacts. While these questions and concerns are identified in the letter, the appellant does not provide any evidence based on facts that the proposed project would have significant impacts or that the mitigation measures identified in the Initial Study are not sufficient to ensure that impacts would be less than significant.

Comment:

Land Use and Planning

The City cannot make the findings required by CEQA regarding land use. The Staff Report on page 36 asserts that the Project would be “consistent with the General Plan”, but ignores several policies in the City’s General Plan with which the proposed Project conflicts, including those relating to water resources, wastewater, and energy conservation.

As we explain in more detail below, the City should require the Applicant to modify the Project and the mitigation measures to cause the Project to comply with the following General Plan goals, policies, and objectives.

Response: This comment states the appellant’s belief that the City cannot make the findings required by CEQA regarding land use, because the proposed project conflicts with policies related to water resources, wastewater, and energy conservation. Staff disagrees with the appellant and believes that the proposed project is consistent with the applicable General Plan objectives and policies with the approval of the general plan amendment and zone change. Staff has also responded to each of the individual objectives/policies identified in the letter in the following pages.

Comment:

Goal 3: Water Resources

One of the fundamental long-term constraints for urban and rural development in the Antelope Valley is the availability and quality of water. Presently, Lancaster depends on local groundwater supplies and importation of water from outside the area. Since water use is greater than local supply, *overdrafting of the groundwater basin has occurred. Recent court decisions and dry weather have significantly reduced available water supplies.* With the Projected growth of the City, corresponding increases in demand are anticipated. To protect opportunities for long-term growth, supplemental water sources will be needed, as well as sufficient storage capacity and a strong commitment to water conservation and the beneficial use of all supplies. *{emphasis supplied}*

The proposed Project conflicts with this Goal 3, because the Project has an extraordinary demand for water that was not contemplated by the City in adopting the General Plan. Goal 3 anticipates increased demand, through additional use, but not from the conversion of a typical industrial use to this cannabis cultivation use, that consumes water at an unimagined rate. Certainly, the proposed Project conflicts directly with the Goal of a “strong commitment to water conservation and the beneficial use of all supplies.”

Response: The City’s General Plan was adopted in July 2009 with the process starting the end of 2005/beginning of 2006. The first paragraph of this comment is taken directly from pages 2-7 and 2-8 of the General Plan, which provides a brief description of the existing conditions at the time the document was written. Since the adoption of the General Plan, the Antelope Valley Groundwater Basin has gone through the adjudication process, and the courts have established the

safe yields for the basin, as well as the amounts that individual property owners may pump from existing wells.

Goal 3 of the City’s General Plan is not specific to water resources and states “To identify the level of natural resources needed to support existing and future development within the City and its sphere of influence, and ensure that these resources are managed and protected.” This goal is applicable to the entirety of the Plan for the Natural Environment, which includes water resources and consumption, air resources, biological resources, land resources, energy resources, mineral resources, and scenic resources.

Based on conversations with the current property owner, the existing well on the project site has been adjudicated to be entitled to produce 3 acre-feet on an annual basis. An acre-foot of water is 325,851 gallons. Total allowable water production from the well is 977,553 gallons or the equivalent of the amount of water 3 to 4 single family residences consume on a yearly basis. Based on water estimates provided by the applicant, the proposed project will use 333,000 gallons per year – approximately one-third of the adjudicated entitlement. The existing water well can adequately provide the water necessary to implement the proposed project.

The proposed project’s water usage is not considered extraordinary and is well within the amount of water the property owner is legally entitled to pump. The existing use is considered somewhat industrial in nature; however, it supports existing agricultural operations and as evidenced by the adjudicated entitlement of 3 acre feet per year (the amount allowed for a domestic water well) consumes large quantities of water. The cannabis facility would replace the existing produce packing facility; its water consumption would be similar to the existing use and well within the adjudicated pumping rights.

Comment:

Policy 3.1.1: Ensure that development does not adversely affect the groundwater basin.

The proposed Project conflicts with this Policy, because the Project has an extraordinary demand for water, and together with other new development in the City is certain to adversely affect the groundwater basin. In Section IX(b) of the CEQA analysis that is part of the Initial Study, the Staff incorrectly concludes that the proposed Project would not affect the groundwater, because the Project applicant is required to obtain all of its water supplies from the LA County Water District No. 40 (LAWD). Of course, this is simply a silly avoidance of the truth of Lancaster’s water supplies.

The LAWD obtains the water it supplies to Lancaster partly from the State Water Project and partly from Lancaster’s own aquifer and groundwater. “This [LAWD Lancaster water] supply is supplemented by groundwater pumped from the Antelope Valley Groundwater Basin by approximately 50 wells owned and operated by the District” (<https://dpw.lacounty.gov/wwd/web/YourWater/WaterSources.aspx>).

Accordingly, the City cannot pretend that the Project will not affect groundwater, just because the Project applicant will purchase water through a third party (LAWD) who then uses the City’s own groundwater to supply to create the water.

Response: As previously discussed, the proposed project would not consume an extraordinary amount of water, as total water consumption would be similar to the existing use and well within adjudicated pumping rights (3 acre feet which is equivalent to the amount of water consumed by 3 to 4 single family residences on a yearly basis). The appellant states that the proposed project does not comply with Policy 3.1.1, because the Initial Study states that the project would receive its water from Los Angeles Waterworks District 40 (LAWD), which obtains some water from groundwater. The appellant is incorrect and has quoted language that is not present in the Initial Study for the proposed project.

The Initial Study does not state that the water would be supplied by LAWD No. 40. The project site is located outside of the boundaries of the LAWD No. 40 and has its own potable water well which supplies water to the facility.

Specifically, the section of the Initial Study that the appellant references, Section IX(b), is part of the hydrology section and states the following:

“The project site is currently developed with a produce packing facility and obtains its water from the existing groundwater well. The proposed project would continue to use the existing well, which can supply the water necessary. The project site would not be tied to a public water or sewer system, and currently has a septic system in place. Additionally, as indicated in IX.a, the proposed project would not impact any groundwater recharge areas. Therefore, the proposed project would not deplete groundwater supplies or interfere with groundwater recharge and impacts would be less than significant.”

Section XVIII.d, under Utilities and Service Systems, addresses groundwater and states “The applicant has estimated that operation of the facility would require approximately 27,750 gallons of water per month. This water would come from the existing groundwater well at the project site that is utilized to operate the produce packing facility. No additional sources of water would be necessary. Therefore, impacts would be less than significant.”

As the proposed project would be (i) obtaining the water necessary for its operations from an existing water supply to which it is legally entitled, (ii) would not be obtaining water from a third-party supplier, (iii) would not require drilling a new well, which well was not accounted for in the adjudication and (iv) the applicant’s estimated waster use for operation of the facility is approximately one-third of the Property’s adjudicated water entitlement the proposed project would not have a significant effect on groundwater supplies.

Comment:

Objective 3.1.1(d): Requires all general plan and zoning ordinance amendments to provide detailed factual statements of current water demand, proposed water demand, potential conservation, and water from new sources.

The City knows that this Project will have an enormous demand on water usage, and thus should require the Project to provide evidence that its water demand will be consistent with the General Plan and the rest of this City’s uses who exist on a limited water diet.

Response: The appellant provides an accurate summarization of Specific Action 3.1.1(d). As part of the application package for the proposed project, the applicant did provide information with respect to water consumption and that information was included in the Initial Study. While cannabis cultivation does require substantial water use, that use is not an enormous amount as compared to other types of uses within the City. Specifically, the proposed project’s water usage would be approximately one-third of the adjudicated entitlement established for the existing well of 3 acre-feet per year. The 3 acre-feet per year is the equivalent to the amount of water utilized by 3 to 4 typical single family residences on a yearly basis.

Comment:

Policy 3.1.3: Encourage the use of recycled tertiary treated wastewater when possible.

The proposed Project conflicts with this Policy, because treated wastewater was not even considered for this Project. We request that the City postpone consideration of this Project until the applicant delivers information to show how it can use tertiary treated wastewater in its process, or why it is not feasible.

Response: The appellant claims that the proposed project is not consistent with Policy 3.1.3, which states “encourage the use of recycled tertiary treated wastewater when possible”, because treated wastewater was not considered for this project. This is an inaccurate statement. The City requires development to connect to recycled water lines or utilize recycled water when feasible. The closest recycled water line to the project site is located on Division Street, running from the Sanitation District south to Avenue K, turning west on Avenue K to 10th Street West and then south to Avenue L. The line ultimately terminates at the Lancaster City Park and Kaiser facility on Avenue L. At its closest point, the recycled water line is located 7 miles west of the project site. It is not feasible to require the applicant to run a recycled water line to their facility. Not only would it be cost prohibitive for a single developer, but there would not be sufficient pressure in the line with one user to make such a pipeline functional.

Comment:

Objective 3.1.3(f): As part of the development review process, condition new development where appropriate to implement recycled water systems and/or measures.

The proposed Project conflicts with this Policy, because treated wastewater was not even considered for this Project. We request that the City postpone consideration of this Project until the applicant delivers information to show how it can use tertiary treated wastewater in its process, or why it is not feasible.

Response: Objective 3.1.3(f) requires new development to be conditioned to implement recycled water systems/measures where appropriate. As discussed above, the nearest recycled water line is approximately 7 miles west of the project site and it is not feasible or appropriate to require the proposed project to tie into this water line.

The project applicant has incorporated conservation and recycling measures into the operation of the proposed development. The amount of water applied to the cannabis plants is tightly controlled to produce the best growing conditions. Any water that is not absorbed by the root system of the

plants is collected by a drainage collection system and recirculated for watering of the plants. Additionally, all landscaping installed at the project site is required to comply with Ordinance 907 (Water Efficient Landscape Ordinance) and the State of California Model Water Efficient Landscape Ordinance. This requirement was included in the conditions of approval for the CUP.

Comment:

Policy 3.6.3: Encourage the incorporation of energy conservation measures in existing and new structures.

Objective 3.6.3(f): Explore the feasibility of requiring solar systems in new residential and non-residential construction.

The proposed Project conflicts with this Policy and Objective, because no solar energy system is incorporated into the Project. Due to the request for a CUP, the City can and should require the applicant to use solar in their Project, especially considering the vast amount of electrical energy that this operation will use. We request that the City postpone consideration of this Project until the applicant delivers information to either incorporate rooftop solar into the Project, or to explain why it is not feasible to do so.

Response: The appellant states that the proposed project is inconsistent with Policy 3.6.3 and Objective 3.6.3(f) of the City's General Plan, because a solar energy system has not been incorporated into the proposed project. Policy 3.6.3 does not specifically require the installation of solar energy systems; it simply encourages the incorporation of energy conservation measures. All phases of the proposed project are required to comply with the energy conservation requirements identified in Title 24 and the 2016 California Green Building Code as adopted by the City. Phases I and III (the existing building) would comply with these requirements at the time the tenant improvements are implemented. Phase II would comply with the requirements at the time of building construction. All improvements would be shown on the building plans submitted for permit issuance.

Objective 3.6.3(f) does not exist in the City's General Plan. Staff assumes that the appellant is referring to Specific Action 3.6.3(b), which states "Explore the feasibility of requiring solar systems in new residential and non-residential construction. If practical, amend the municipal code to address requirements for solar energy use." This specific action is directed towards staff and City Administration, not individual developers. The City has revised the municipal code on two previous occasions to require the incorporation of solar into new residential construction. Ordinance 989, adopted on April 9, 2013, required all new residential construction to provide a minimum amount of solar/alternative energy depending upon the zone in which the development was located. Ordinance 1020, Net Zero Energy Ordinance, was adopted on February 14, 2017, and updated the requirements for new single family residential construction. This ordinance requires new single family residential construction to provide a minimum of 2 watts of solar power per square-foot. This ordinance was reviewed and approved by the California Energy Commission and went into effect January 1, 2018. The municipal code has not been revised to require solar energy to be included on commercial or industrial developments and at this time no such revision is

planned. As such, the applicant is not required to install a solar energy system, although they have the ability to install a behind the meter system in compliance with existing Southern California Edison tariffs at any time.

Comment:

Potentially Significant Impacts – Electricity and GHG

There are many documented reports and studies that have shown that indoor cannabis facilities such as the Project cause significant environmental impacts, including that they are the most energy-intensive agricultural product in the U.S., that they require an extraordinary amount of electricity to operate - - which always leads to greenhouse gas (GHG) pollution that increases carbon emissions and, by extension, global warming.

The city has not studied or addressed the potential impact the Project will have on the grid and on any corresponding impact to local residents and businesses, nor has it adequately studied and mitigated the increased GHG and carbon emissions from this grow facility or the cumulative impacts from all of the other 5 such grow facilities approved by the City so far and those planned in the future.

Response: The appellant states that there are many document reports and studies that have shown that indoor cannabis cultivation causes significant environmental impacts including being the most energy-intensive agricultural product in the U.S. However, none of the reports and studies are cited, no specific information regarding the significant environmental effects are provided nor was any specific information provided or evidence cited to support the statement that cannabis is the most energy intensive crop in the U.S. Blanket statements do not constitute evidence supporting a fair argument that there are significant impacts. Additionally, electricity consumption is not an environmental resource currently contained within Appendix G of the CEQA Guidelines.

The City of Lancaster operates Lancaster Choice Energy, Community Choice Aggregator (CCA) which acquires and supplies electricity to businesses and residences through Southern California Edison's (SCE) distribution lines unless the specific user opts out. The CCA has two separate programs: Clear Choice (38% renewable power) and Smart Choice (100% renewable power) both of which are higher than the State power content of 25% renewable (<https://www.lancasterchoicenergy.com/about-lce/power-sources/>). The existing development on the project site currently receives its power through the CCA under the Clear Choice Program. Lancaster's Administrative Policies and Procedures governing cannabis cultivation mandate that all operating plans for cannabis specify the Lancaster Choice Energy Smart Choice energy plan (i.e., 100% renewable power) for all electrical energy. Further, due to the low levels of development in the vicinity of the project site and the current electrical demands of the existing development, it is anticipated that the distribution lines are adequate to provide the amount of power needed for the proposed use. This has been estimated at 80,000 kwh per month and is highly dependent upon climactic conditions. The tenant improvements and new construction would be design to take advantage of the existing sunlight and to make the buildings as efficient as possible, thereby reducing the demand for electricity. In the event that the distribution lines need to be updated, the applicant will have to work with SCE for the necessary improvements.

Comment:

Potentially Significant Impacts – Pollutant/Toxics

Heavy metal and toxins from lighting materials are an additional form of environmental risk from indoor cannabis cultivation. High-intensity discharge (HID) bulbs common in this industry are not recyclable and each bulb contains approximately 30 mg of mercury and other toxins. Mercury is a neurotoxin, and is recognized as extremely toxic, particularly in gaseous form. This potentially significant impact has not been addressed or mitigated.

Response: The use of hazardous materials in commercial and industrial businesses is very common and both use and disposal is a highly regulated process. The proposed project is required to utilize and dispose of any hazardous waste in accordance with all applicable rules and regulations as identified in their mitigation measures.

Mercury can be found in many household products and industrial uses. Used mercury-containing lighting products (e.g., lamps or bulbs) are regulated by the Environmental Protection Agency under the Resource Conservation and Recovery Act and the Universal Waste Rule. The high intensity light bulbs that are used in cannabis facilities are considered universal waste under California State law and can be disposed of as such (Title 22, Chapter 23 of the California Code of Regulations). The business utilizing the bulbs must be the entity disposing of the waste (not an individual) and they must obtain manifests/bills of lading. These procedures are well established under State law and result in the mercury containing bulbs/lamps being disposed of properly.

Comment:

Potentially Significant Impacts – Wastewater Discharge

Grow facilities such as the Project create massive amounts of polluted wastewater. There was no meaningful discussion or study of the sufficiency of nearby sewer capacity and downstream sewage treatment capacity that would be impacted by the Project. Merely stating the BMP's, or "Best Management Practices", will be utilized is not reassuring. Further, it is not at all clear whether wastewater discharge requirements related to water quality have been properly met by the Project Applicant. According to the State Water Resources Control Board, Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation, October 2017, these requirements are very complicated, and the record is not clear whether and how the Applicant has or will comply.

There also needs to be an analysis from public works confirming that the sewer capacity is adequate to handle treatment of the effluent from this Project.

Response: The appellant has provided no evidence that cannabis grow facilities produce "massive amounts of polluted wastewater." There was no discussion of sewer capacity in the Initial Study because the project site and the surrounding area are not on sewer but all operate on septic systems. The references to BMPs are found in the Hydrology Section, specifically as part of a discussion regarding stormwater runoff and water quality. This discussion is not focused on wastewater generated within the proposed facility. The discussion regarding BMPs can be found under Section IX.a on page 34 of the Initial Study and is provided below.

“The project site is not located in an area with an open body of water or in an aquifer recharge area. The Little Rock Wash is located approximately one mile west of the project site. The project site is currently developed with a produce packing facility, which would be modified to encompass the proposed medical cannabis cultivation and manufacturing facility and an additional 54,600 square-foot building would be constructed to provide additional cultivation space. The proposed project would be required to comply with all applicable provisions of the National Pollutant Discharge Elimination System (NPDES) program. The NPDES program establishes a comprehensive storm water quality program to manage urban storm water and minimize pollution of the environment to the maximum extent practicable. The reduction of pollutants in urban storm water discharge through the use of structural and nonstructural Best Management Practices (BMPs) is one of the primary objectives of the water quality regulations. BMPs that are typically used to management runoff water quality include controlling roadway and parking lot contaminants by installing oil and grease separators at storm drain inlets, cleaning parking lots on a regular basis, incorporating peak-flow reduction and infiltration features (grass swales, infiltration trenches and grass filter strips) into landscaping and implementing educational programs. The proposed project would incorporate appropriate BMPs as applicable, as determined by the City of Lancaster Development Services Department. Therefore, impacts would be less than significant.”

A discussion of wastewater can be found in the Hydrology Section under Item IX.b and in the Utilities Section under Item XVIII.a. Both of these sections identify that the project site is connected to a septic system and that the proposed project would continue to utilize said septic system for the disposal of wastewater. Minimal amounts of wastewater would be produced from the growing operations as the water is recycled on-site in the watering of the plants. Wastewater would be generated from the restroom and breakroom facilities and would be disposed of in the existing septic system. Use and expansion of the septic system if necessary, would be conducted in compliance with the regulations established by the Lahontan Regional Water Quality Control Board and the Los Angeles County Department of Public Health.

Potentially Significant Impacts to Crime and Impact on Public Services

There are numerous studies and news reports showing that these facilities lead to more crime, more public health emergencies, and more strain on the police and fire departments, and that they put the public and law enforcement at serious risk. The city has not studied whether it has the resources needed to combat the anticipated level of crime and health emergencies the Project will create – let alone the cumulative impacts of all other similar facilities that may be planned in the future.

Response: The appellant states that numerous studies and news reports show that cannabis cultivation facilities lead to more crime, more public health emergencies, and more strain on the police and fire departments. However, the appellant fails to provide references to said studies/news reports or cite any statistics contained in said studies.

Under CEQA, increases in crime rates and response times are not considered environmental impacts. Such effects are only considered environmental impacts when the increase in crime rates

or response times leads to the need to construct additional fire station(s) or police station(s) and such construction would result in an environmental impact.

Prior to adopting the ordinance which allows for cannabis cultivation and manufacturing facilities, but prohibits the establishment of dispensaries, the City of Lancaster held extensive hearings before the Planning Commission and City Council to obtain input from members of the public, organizations, and agencies. The City Council was well aware of the potential impacts associated with the California voters making cannabis legal and adopted the ordinance in order to maintain control and limit the uses permitted within the City. The application process for all cannabis facilities also includes the submittal of a security plan, which plan is reviewed by Public Safety prior to the Conditional Use Permit application being processed for hearing.

Cumulative impacts are defined as the change in the environment which results from the incremental impact of a project when added to other closely related past, present and reasonably foreseeable probable future projects. The Initial Study does address cumulative impacts. However, the project site is located in a relatively undeveloped portion of the City with only one other project within a 2-mile radius. All other cannabis cases are in the central portion of the City or in the Fox Field area. The potential impacts associated with these projects do not combine with the potential impacts of the proposed project to create significant environmental impacts. Discussion of future cannabis cases is not applicable to this Initial Study. While other cannabis projects are likely to be filed, it is speculative to guess where these projects would be located, the size, the specifics of their operations and CEQA does not require the analysis of speculative or worst case scenarios.

Potentially Significant Impacts to Public Health

It doesn't appear that the City has studied the potentially significant and detrimental impacts to public health that the facilities like the Project may create, specifically regarding reported increases in hospitalizations, exposure to children, workplace accidents, impaired drivers and increased traffic deaths.

Response: This comment is a generalization that the City did not consider the potential impacts to public health from facilities like the proposed project. The comment does not provide specific evidence that the proposed project would cause any of the public health impacts to occur. As discussed above, the City held extensive hearings on the proposed cannabis ordinance prior to its adoption by the City Council. The City's cannabis ordinance restricts the type of cannabis facilities, the zoning in which these facilities can be located and requires separate distances from the cannabis facility to sensitive uses (residences, churches, schools, etc.). The proposed project is a cultivation and manufacturing facility; the owner/operator is not permitted to sell their product directly to individuals. No dispensaries are allowed within the City limits. All cannabis projects are required to have operations plans, strict security, and have conditions of approval, which prohibit children from being on the project site.

Comment:

CEQA Requirements

"The foremost principle under CEQA is that the Legislature intended the act "to be interpreted in such manner as to afford the fullest possible protection to the environment within the

reasonable scope of the statutory language." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 926.).

"The EIR requirement is the heart of CEQA." (Cal. Code Regs., tit.142, §15003 (a)). (This Code Section is referred to hereafter as "CEQA Guidelines" or "Guidelines."). An EIR identifies the significant effects a Project will have on the environment, identifies alternatives to the project, and indicates the manner in which the significant effects can be mitigated or avoided. (Public Resources Code § 21002.1 (a).) Its purpose is to "inform the public and its responsible officials of the environmental consequences of their decisions before they are made", protecting the environment, as well as informed self-government. (*Citizens for Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal. 3d 553, 564.). CEQA "creates a low threshold requirement for initial preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted." (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896, 904-905; Public Resources Code § 21151).

Moreover, while the absence of evidence in the record on a particular issue does not automatically give rise to a fair argument that a project may have a significant effect on the environment, an agency "should not be allowed to hide behind its own failure to gather relevant data" and "[d]efficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences." (*Sundstrom*, 202 Cal. App. 3d at 311.)

For the above reasons, we respectfully request that the City deny the Project and direct the preparation of an EIR.

Response: The purpose of a CEQA document is to inform the public and the decision makers of the potential environmental impacts associated with a proposed project. A CEQA document can be an exemption, an Initial Study/Negative Declaration or Mitigated Negative Declaration or an Environmental Impact Report. An Environmental Impact Report is only required if there are potentially significant impacts that cannot be mitigated to a less than significant level. The Initial Study prepared for the proposed project found that all impacts would be less than significant with the incorporation of the identified mitigation measures. This was based upon the information that the applicant submitted about their proposed operations and from the technical studies prepared for the project site.

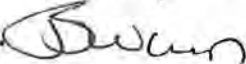
According to the CEQA Guidelines Section 15384(a) substantial evidence means "...enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached... Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts, which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence." Section 15384(b) defines substantial evidence as "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." The appellant has provided no evidence, that would support a fair argument that a significant environmental impact would occur as a result of the proposed project. Therefore, an Environmental Impact Report is neither required nor necessary.



**MEMORANDUM
PLANNING COMMISSION MEETING**

DATE: October 15, 2018

TO: Chairman Vose and Members of the Planning Commission

FROM: Jocelyn Swain, Principal Planner 

SUBJECT: CONTINUED ITEM - CONDITIONAL USE PERMIT NO. 18-05,
GENERAL PLAN AMENDMENT 18-03, ZONE CHANGE 18-03

PC ACTION:
APPROVED (5-0-0-2)
ABSENT: Cook and Donovan

Tradecraft Ventures and Calandri Properties submitted applications for a conditional use permit, general plan amendment and zone change for 43511 70th Street East, in order to allow for the development of a medical cannabis cultivation and manufacturing facility.

On September 17, 2018, the Planning Commission heard the proposed project, and had concerns regarding the existing building's compliance with the Architectural and Design Guidelines, and compliance of the proposed structure with Building and Fire Codes. As such, the hearing was continued to October 15, 2018, in order to allow the applicant to address these matters.

The applicant has agreed to further enhance the site design, and construct a perimeter wall that will be complimentary and well designed. The wall will feature a combination block wall with a smooth finish and split-face accents. The primary building will remain as originally proposed without any additional enhancements, as it is an existing structure.

Staff is recommending that the Planning Commission adopt Resolution No. 18-30 approving Conditional Use Permit No. 18-05, and recommending to the City Council approval of General Plan Amendment No. 18-03 and Zone Change No. 18-03.

- Attachments:**
- Block Wall Detail
 - Planning Commission Resolution No. 18-30
 - Draft Ordinance
 - Staff Report from the September 17, 2018, Planning Commission Meeting

RESOLUTION NO. 18-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-05 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A 122,871 SQUARE-FOOT MEDICAL CANNABIS CULTIVATION AND MANUFACTURING FACILITY (1,560 SQUARE FEET FOR MANUFACTURING AND 92,852 SQUARE FEET FOR CULTIVATION) LOCATED ON APPROXIMATELY 15 ACRES AT 43511 70TH STREET EAST (APN: 3386-007-035), AND RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 18-03 AND ZONE CHANGE NO. 18-03 TO THE CITY COUNCIL

WHEREAS, a Conditional Use Permit has been requested by Tradecraft Ventures, LLC ("Applicant-CUP"), to allow for the construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility on 15 acres at 43511 70th Street East (APN: 3386-007-035); and

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07, Calandri Properties ("Applicant-GPA/ZC") has initiated applications for (a) General Plan Amendment ("GPA") No. 18-03, and (b) Zone Change ("ZC") No. 18-03, to redesignate the subject property (APN 3386-007-035) from Non-Urban Residential (NU) to Light Industrial (LI); and

WHEREAS, pursuant to Section 17.24.040 of the Lancaster Municipal Code ("LMC"), the Applicant-GPA/ZC has requested the Planning Commission consider a change to the zoning designation of the subject property from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) to LI (Light Industrial); and

WHEREAS, an application for the above-described Conditional Use Permit ("CUP"), has been filed pursuant to the regulations contained in Chapters 17.32, of the LMC; and

WHEREAS, a notice of intention to consider the granting of a CUP has been published and provided as required by Chapter 17.32 of the LMC, and Section 65905 of the Government Code; and

WHEREAS, pursuant to Section 17.24.070 of the LMC a notice of intention to consider the GPA No. 18-03 and ZC No. 18-03 was published and provided as required by Chapter 17.36.020.A of the LMC, and Sections 65854 and 65905 of the Government Code; and

WHEREAS, staff has performed the necessary investigations, prepared a written report, and recommended that GPA No. 18-03, ZC No. 18-03, and CUP No. 18-05 be approved, subject to conditions; and

WHEREAS, public notice was published and given as required by law, and a public hearing was held on September 17, 2018 and October 15, 2018; and

WHEREAS, the Planning Commission, desires to recommend that the City Council approve and adopt GPA No. 18-03 and ZC No. 18-03; and

WHEREAS, the Planning Commission after considering all evidence presented, desires to approve Applicant's requested Conditional Use Permit; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. That the foregoing Recitals are true, correct and a substantive part of this Resolution.

Section 2. That the Planning Commission hereby adopts the following General Plan Amendment findings, pursuant to Section 17.24.140 of the LMC, in support of approval of this application:

- a. Information presented at public hearing shows that such amendment is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.

Section 3. That the Planning Commission hereby adopts the following Zone Change findings, pursuant to Section 17.24.120 of the LMC, in support of approval this application:

- a. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- b. That a need for the proposed zone classification exists within such area or district; and
- c. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- d. That 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 practice.

Section 4. That the Planning Commission hereby adopts the following Conditional Use Permit findings, pursuant to Section 17.32.090 of the LMC, in support of approval this application:

- a. That the proposed use will not be in substantial conflict with the adopted general plan for the area.

- b. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- c. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- d. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and
 - 2. By other public or private service facilities as are required.

Section 5. That the Planning Commission hereby adopts the following findings pursuant to Section 17.43.110 of the LMC:

- a. The medical cannabis cultivation facility will serve a specific community need; and
- b. The distance waiver approved for the medical cannabis cultivation facility is not expected to result in an adverse effect on adjacent property, uses, or residents.

Section 6. That the Planning Commission hereby certifies that it has reviewed and considered the information in the Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act ("CEQA") (including its implementing regulations) prior to taking action. The Planning Commission hereby finds that the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures as detailed in the Mitigated Negative Declaration. The Planning Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Mitigated Negative Declaration prepared for the proposed project reflects the independent judgement of the City of Lancaster.

Section 7. That Planning Commission staff is hereby authorized and directed to prepare, execute, and file a Notice of Determination pursuant to CEQA (including its implementing guidelines).

Section 8. That the Planning Commission hereby adopts the Mitigation Monitoring Program included in the Mitigated Negative Declaration.

Section 9. That the Planning Commission hereby approves Conditional Use Permit No. 18-05, subject to the conditions attached hereto and incorporated herein and subject further to the City Council approving GPA No. 18-03 and ZC No. 18-03.

Section 10. That the Planning Commission hereby recommends that the City Council approve GPA No. 18-03 to redesignate the subject property from NU to LI.

Section 11. That the Planning Commission hereby recommends that the City Council approve ZC No. 18-03 to rezone the subject property from RR-2.5 to LI.

Section 12. The Planning Commission staff is authorized and hereby directed to transmit this Resolution to the City Council as required by 65855 of the Government Code.

PC Resolution No. 18-30

General Plan Amendment 18-03, Zone Change 18-03 Conditional Use Permit No. 18-05

October 15, 2018

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PASSED, APPROVED and ADOPTED this 15th day of October 2018, by the following vote:

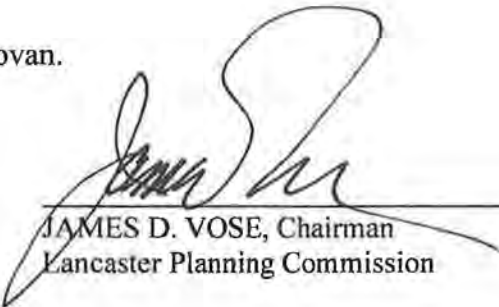
AYES: Chairman Vose, Commissioners Harvey, Moore, Parris and Smith.

NOES: None.

ABSTAIN: None.


RECUSED: None.

ABSENT: Commissioners Cook and Donovan.



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



LARISSA DE LA CRUZ, Community Development Manager
City of Lancaster

Attachments:

- A. Conditions List
- B. Mitigation Monitoring Program
- C. Initial Study/Mitigated Negative Declaration

70th Street East

East Avenue K



CUP 18-05 /
GPA 18-03 /
ZC 18-03

ATTACHMENT TO PC RESOLUTION NO. 18-30
CONDITIONAL USE PERMIT NO. 18-05
(GENERAL PLAN AMENDMENT NO. 18-03/ZONE CHANGE NO. 18-03)
CONDITIONS LIST
October 15, 2018

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 8, 13 (Modified), 19, 45, 47, 48, and 49.
2. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit, and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding, and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.
3. The applicant shall submit a soils report on the properties of soils as detailed in Chapter 18 of the latest edition of the California Building Code, and as required by the Development Services Department on all building sites.
4. The developer, by agreement with the Development Services Director, may guarantee installation of improvements as determined by the Development Services Director through faithful performance bonds, letters of credit, or any other acceptable means.

GRADING/DRAINAGE

5. Prior to issuance of a grading permit, the applicant shall submit a grading plan consistent with the approved site plan and conditions of approval. The grading plan shall be based on an approved drainage area study and hydrology/hydraulic report, detailed recent topographic survey, and a detailed engineering soils report specifically approved by the geologist and/or soils engineer that addresses all submitted recommendations.
6. Prior to final map approval or grading permit issuance, whichever comes first, the applicant shall obtain approval of the final hydrology/hydraulic study. The final drainage facilities shall be based on the approved hydrology/hydraulic study, and will be designed based on the City of Lancaster Engineering Design Guidelines Policies and Procedures Sections 2.7 and 3, and/or to the satisfaction of the Development Services Director. Any on-site and/or off-site mitigation measures required by the approved hydrology/hydraulic study shall be constructed prior to first occupancy.
7. Prior to first occupancy, the applicant shall construct all drainage improvements required by the City of Lancaster's Master Plan of Drainage Facilities to the satisfaction of the Development Services Director. This shall include but not be limited to a 5 feet by 12 feet reinforced concrete box along Avenue K, and a reinforced concrete pipe(s) along 70th Street East. The hydrology/hydraulic report prepared for the project shall provide calculations demonstrating the proposed improvements will be of sufficient size and capacity to mitigate

and convey interim and ultimate watershed flow from the project site and surrounding off-tributary areas.

8. Prior to building occupancy, all drainage facilities are to be constructed and approved prior to occupancy of any structure within the project to the satisfaction of the Development Services Director. If the project is phased, all drainage facilities required for each phase will be constructed and approved prior to occupancy of any structure within that phase.
9. Prior to first occupancy, the applicant shall design and construct an on-site drainage basin to mitigate the developed runoff volume per an approved hydrology study to the satisfaction of the Development Services Director.
10. Portions of the property may be subject to sheet overflow and ponding. Install any local storm drains necessary to mitigate on-site and off-site drainage to the satisfaction of the Development Services Director.
11. Provide for contributory drainage from adjoining properties, and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
12. The Preliminary Grading Plan shows an import/export of 1,200 CY of material to/from the project. Prior to commencing hauling operations for this project, the applicant shall obtain a hauling permit for hauling material within the public right-of-way including the export/receiving site and an exhibit of the proposed haul route. The applicant is responsible to obtain approval from all applicable agencies for the material hauling operation. The designated haul route shall be designed to the requirements of the City of Lancaster Design Guidelines, Standards, and Municipal code and to the satisfaction of the Development Services Director.
 - The applicant shall comply with the following requirements for the material hauling operation:
 - i. The hours of operation shall be approved by the Development Services Director.
 - ii. Provide non-stop street sweeping service on all City streets along the haul route during all hours of work to the satisfaction of the Development Services Director.
 - iii. Provide traffic control and flagging personnel along the haul route to the satisfaction of the Development Services Director.
 - iv. When required by the Development Services Director, the applicant shall post a security to serve as surety of repair in the event facilities within the City right-of-way are adversely impacted by the hauling operations.

- Prior to issuance of certificate of completion and release of security, the applicant shall repair any pavement damaged by the material hauling operation to the satisfaction of the Development Services Director. The security will not be reduced or released or certificate of completion given until the completion of the repair work. The limits of the road repairs shall be consistent with the approved haul route and determined by the Development Services Director.

STREETS

13. Provide letter(s) of slope easement(s) as directed by the Development Services Director.
14. Prior to certificate of occupancy, the applicant shall design and construct street improvements along the frontage of the project site to include pavement, street lights, undergrounding of utilities, etc. The applicant is to reconstruct the street to centerline if the existing pavement section does not meet the Development Services Department required structural section. Additional pavement as required to transition to existing pavement, or as needed to provide additional turn lanes opposing new improvements, shall also be included in street plans.
15. The proposed project shall comply with the City of Lancaster Holiday Moratorium Policy. No excavation or work shall occur within the public right-of-way on Primary Arterials, Secondary Arterials, and Collector Streets between November 15th and January 2nd, except work pertaining to public safety or with the written permission of the City Manager. Work commenced prior to the restriction period must be in such a condition that it will be resurfaced prior to November 15th.

LANDSCAPING

16. The development shall comply with all requirements of Ordinance No. 907 and the State of California Model Water Efficient Landscape Ordinance. The requirements are subject to revision, upon adoption of the City's updated Water Efficient Landscape Ordinance. (Modified No. 8)

PLANNING

17. Prior to certificate of occupancy, the applicant shall indicate which company the applicant shall utilize for their cannabis waste management solutions.
18. Prior to certificate of occupancy, the applicant shall prepare, implement, and make available a written Hazardous Materials Management Plan to include a listing of all hazardous products, chemicals, fertilizers, herbicides, pesticides, lubricants, flammable liquids, bleaches, cleaning supplies, aerosols, etc. that will be stored, or in use, on the site and the related Safety Data Sheets (SDS). The applicant shall ensure the safe and proper storage of chemicals and products, in accordance with all applicable local state and federal laws, including the use of appropriate personal protective equipment when handling hazardous materials. A copy of the Hazardous

Materials Management Plan shall be subject to review and approved by the Development Services Director.

19. Any and all window and security devices such as metal bars, gates, and shutters shall be installed within the interior of the building and screened from the public street to the satisfaction of the Development Services Director.
20. The applicant shall comply with all applicable provisions of the LMC relating to medical cannabis cultivation businesses including, but not limited to, those provisions of Chapters 5.56 and 17.43, as they may be amended from time to time.
21. No minors shall be permitted inside any restricted access areas, including the cultivation portion of the medical cannabis business, under any circumstance.
22. Negative air pressure shall be maintained inside the building.
23. Prior to issuance of any building permit, the City shall receive documentation that the odor filtration system was designed by a mechanical engineer. The odor filtration system plan shall include the engineer's stamp, certifying that it complies with LMC 17.43.070.B.12.
24. Detection of cannabis odor outside of the proposed medical cannabis facility may result in the revocation of the Conditional Use Permit No. 18-05.
25. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
26. The applicant shall store all green waste product within the secured building until waste management pick-up.

BUILDING AND SAFETY

27. Construction drawings for the improvements, alterations, and the change of use shall be submitted to Building and Safety for plan review and building permit issuance. Supporting documents such as structural and energy calculations, and geotechnical reports shall be included in the plan submittal package.
28. Prior to building permit issuance, the applicant shall submit building plans for the proposed Phase II structure(s) in conformance with the California Building Code, as adopted by the City of Lancaster and to the satisfaction of the Building Official. This shall include but not be limited to conforming to Section 306.2 of the Building Code designating the structure as a Group F-1 occupancy.
29. Construction drawings submitted for plan review shall show full compliance with all applicable local, county, state and federal requirements and codes. Plan review will be based

on the following current state building codes: The 2016 California Building (CBC), Mechanical (CMC), Plumbing (CPC), and Electrical (CEC) Codes, the 2017 County of Los Angeles Fire Code, 2016 California Energy Code, and the 2016 California Green Building Standards Code. All code requirements for the new occupancy group(s) shall be shown on the plans.

30. Construction drawings submitted for plan review shall be complete. Submitted plans shall show all Architectural work (including accessibility requirements), along with any Structural, Mechanical, Plumbing, and Electrical work that will be part of the project.
31. Construction drawings shall be prepared by qualified licensed design professionals (California licensed architects and engineers). Incomplete plans or plans prepared by unqualified individuals will delay the plan review and permit process.
32. Submit one complete set of plans in a PDF format. Limit file size to 32mb. If the plans exceed the file limit, separate them into disciplines (Architectural, Structural, MEP).
33. Construction drawings submitted to building and safety shall have a complete Building Code Analysis and floor area justification for the proposed building area and use per chapter 5 and 6 of the California Building Code. The code analysis and justification shall contain the following minimum information: types of construction, occupancy groups, occupant loads, any required area increases from frontage and/or fire sprinklers, height of building, number of stories, summary of any fire rated walls, occupancy separations and all other related data.
34. The submitted site plan to Building and Safety shall show all lot lines, easements, fire separation distances, restricted use areas, etc. Any construction proposed in an easement shall obtain the easement holder's written permission or the easement shall be removed. Parcel lines that overlap any proposed buildings shall be removed (lot line adjustment) prior to building permit issuance.
35. Clean Air, Van Pool, shall be provided within parking areas per the California Green Building Standards Code at the rate indicated in Table 5.106.5.2 (Required for new buildings, additions and alterations that add 10 or more parking spaces)
36. Electric Vehicle parking spaces (including future EV Charging Stations) shall be provided within parking areas per the California Green Building Standards Code at the rate indicated in Table 5.106.5.3.
37. Electric Vehicle Charging Spaces (future EV Charging Stations) shall be provided within parking facilities for new buildings per the California Green Building Standards Code. The submitted plans shall show the size, location and infrastructure of the future EV charging stations. Some EV Charging Stations shall be sized to be accessible and located on as accessible route to the building entrance per CBC sections 11B-228.3 and 11B-812. [For multi-building projects, such EV Charging Stations shall be dispersed based on the parking spaces provided for each building/facility.

38. Bicycle parking shall be shown on the site plan based on 5% of the total vehicle parking spaces per the California Green Building Standards Code.
39. For an estimate of the building permit fees and the estimated time for plan review, please contact the Building and Safety Division directly at 661-723-6144.
40. Prior to submitting plans to Building and Safety for plan review, please contact Gina Armstrong at (661) 723- 6273, for project addressing. This is required when tenant spaces are combined and/or when larger tenant spaces are spilt into small spaces.
41. Prior to issuance of building permits, clearances from the following agencies will be required:
 - i. Lancaster Planning,
 - ii. Lancaster Engineering,
 - iii. Lancaster Utility Services, Fats, Oils, and Grease (FOG)
 - iv. Los Angeles County Fire Prevention Bureau,
 - v. Los Angeles County Environmental Services (Health Dept. for Cannabis Operations),
 - vi. Antelope Valley High School District and appropriate Elementary School Districts (for additions or new buildings),
 - vii. AQMD (Air Quality Management Division)

An agency referral list with contact information is available at the Building and Safety public counter. Please contact the agencies above to determine if there are any plan review requirements and fees to be paid. Clearances from additional agencies may be required and will be determined during the plan review process.

42. A Certificate of Occupancy will be issued for the new use upon completion and final inspection approval of the project.
43. All applicable accessibility (disabled access) requirements of the current California Building Code (Chapter 11B), shall be shown and detailed on the plans. All new work within the scope of this project shall be fully accessible. Areas outside the scope of this project that serves the area of improvement or alteration, shall be upgraded (if needed) to also comply with the current accessibility requirements. Upgrades needed may include items such as a fully accessible parking space, rest rooms, main entrance and a path-of-travel from the public way and accessible parking space to the area of improvement.
44. The plans shall clearly show all areas that are usable by the public, staff and employees to be accessible.
45. An accessible route between all building entrances, the accessible parking spaces (including an EV charging space) and the public sidewalk shall be shown on the plans.

46. Uses on floor levels above and below the ground floor (including mezzanines) are limited to uses that have a reasonable portion of the same use on the ground floor, or an elevator or ramp will be required for disabled access to those levels. (CBC 11B-206.2.3).
47. Projects with a change of use that results in an increased number of occupants; additional lavatories, toilets, urinals, and/or drinking fountain (Hi-Lo design) may be required. The California Plumbing Code (CPC) shall be used to determine the minimum number of plumbing fixtures. (CPC Section 422, Table 422.1, and Table A). The applicant shall provide calculations on the plans to justify the number of plumbing fixtures proposed.
48. Exits shall not pass through a stock room unless separated by an aisle defined by full- or partial-height fixed walls (CBC 1016.2).
49. For projects with new storage or fixture racks over six feet in height, or where High-Pile Storage racks are installed, structural calculations shall be provided with the plan submittal. Structural calculations shall comply with the Rack Manufacturers Institute (RMI) specifications. Drilled-in anchors for rack installations shall have a Statement of Special Inspection on the submitted plans.
50. Projects with a change of use within a portion of the building shall show all adjacent rooms and uses within the building sufficient to determine any required occupancy separations.
51. Any existing construction or uses in the tenant space that are not part of the original building construction or not previously permitted and inspected, shall be shown on the plans as "unpermitted" and will be subject to one of the following:
 - i. If the existing unpermitted construction or use is proposed *to* remain, then those portions shall be considered "New" and shall be part of this project. The unpermitted construction and/or use shall be fully detailed on the plans per the current code and will be subject to 'field inspections.' or
 - ii. If the existing unpermitted construction or use is proposed *not to* remain, then those portions shall be shown on the plans to be removed.
52. The California Plumbing Code (CPC) shall be used to determine the minimum number of plumbing fixtures. (CPC Section 422, Table 422.1, and Table A). Drainage and sewer lines shall have a minimum slope of $\frac{1}{4}$ " per foot, or 2%, to the point of disposal (CPC sec 708.0).
53. After the project receives a final building inspection, a Certificate of Occupancy will be issued. Shell buildings will receive Certificate of Completion with separate Certificate of Occupancies after each tenant improvement is completed.
54. Each separate new detached building or structure, such as, fences, retaining walls, shade structures, will require separate applications and building permits. These other structures need not be on separate plans, but may be part of the same plans of the main project.

55. Separate Demolition Permit will be required to raze any building to be removed on the site. Clearances from AVQMD will be required prior to issuance of demolition permits.
56. These general conditions are based on a review of conceptual plans submitted by the applicant. Additional comments and more detailed building code requirements will be listed during the plan review process when a building permit application and plans are submitted to Building and Safety.

MITIGATION MEASURES

57. Prior to ground disturbance activities, the project operator shall provide evidence to the Development Services Director that the project operator and/or construction manager has developed a "Valley Fever Training Handout", training, and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session materials, handout(s) and schedule shall be submitted to the Development Services Director within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Development Services Director regarding the "Valley Fever Training Handout" and Session(s) shall include the following:
 - a. A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
 - b. Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever.
 - c. Training on methods that may help prevent Valley Fever infection.
 - d. A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Where respirators are required, the equipment shall be readily available, and shall be provided to employees for use during work. Proof that the demonstration is included in the training shall be submitted to the County. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.

The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan that addresses the potential presence of the *Coccidioides* spore and mitigates for the potential for *Coccidioidomycosis* (Valley Fever). Prior to issuance of permits, the project operator shall submit the Plan to the Los Angeles County Public Health for review and approval. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities, and to identify appropriate

safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential *Coccidioides* spores. Measures in the Plan shall include the following:

- a. Provide HEP-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Cause contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs, such as turning on air conditioning prior to using the equipment.
- b. Provide communication methods, such as two-way radios, for use in enclosed cabs.
- c. Require National Institute for Occupational Safety and Health (NIOSH)-approved half- face respirators equipped with minimum N-95 protection factor for use during worker collocation with surface disturbance activities, as required per the hazard assessment process.
- d. Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
- e. Provide separate, clean eating areas with hand-washing facilities.
- f. Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site.
- g. Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor.
- h. Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever.
- i. Work with a medical professional, in consultation with the Los Angeles County Public Health, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes; what are the common symptoms; what are the options or remedies available should someone be experiencing these symptoms; and where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created and reviewed by the project operator, and reviewed by the Development Services Director. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.

- j. When possible, position workers upwind or crosswind when digging a trench or performing other soil-disturbing tasks.
 - k. Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas will be equipped with handwashing facilities.
 - l. Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory protection.
 - m. Audit and enforce compliance with relevant Cal OSHA health and safety standards on the job site.
58. In the event that complaints are received regarding odors emanating from the facility, the applicant shall install additional odor control technology to the satisfaction of the City of Lancaster.
59. In the event that previously unknown cultural resources are identified during construction, the following requirements shall apply:
- a. If human remains or funerary objects are encountered during any construction activities associated with the proposed project, work within a 100-foot buffer shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.
 - b. In the event that Native American cultural resources are discovered during any construction activities, all work within a 60-foot buffer shall cease and a qualified archaeologist meeting the Secretary of the Interior standards shall be hired to assess the find. The appropriate tribes shall be contacted and provided information, and invited to perform a site visit in conjunction with the archaeologist to provide Tribal input.
 - c. If significant Native American resources are discovered, and avoidance cannot be ensured, a Secretary of the Interior qualified archaeologist shall be retained to develop a cultural resource Treatment Plan, as well as a Discovery and Monitoring Plan. A copy of the draft document shall be provided to the appropriate tribes for review and comment. All in-field investigation, assessment, and/or data recovery pursuant to the Treatment Plan shall be monitored by a Tribal Monitor. Additionally, the applicant and City of Lancaster shall consult with the appropriate tribes on the disposition and treatment of any artifacts, or other cultural materials, encountered during the project.
60. The applicant shall, in good faith, contact the Fernandeno Tataviam Band of Mission Indians to discuss and address concerns associated with the development of the site. A copy of any concerns and the proposed resolution/agreement shall be submitted to the City prior to the issuance of permits.

61. The applicant shall submit a Dust Control Plan to the Antelope Valley Air Quality Management District (AVAQMD) for review and approval in accordance with Rule 403, Fugitive Dust, prior to the issuance of any grading and/or construction permits. This plan shall demonstrate adequate water or dust suppressant application equipment to mitigate all disturbed areas.
62. The applicant shall comply with all existing laws and requirements of the Los Angeles County Fire Department, Cannabis Unit, and CUPA.
63. Construction operations shall not occur between 8:00 p.m. and 7:00 a.m. on weekdays or Saturday, or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.
64. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.
65. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.
66. Material stockpiles and mobile equipment staging, parking and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.
67. The use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.
68. No project-related public address or music system shall be audible at any adjacent receptor.
69. All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
AIR QUALITY							
1.	<p>Prior to ground disturbance activities, the project operator shall provide evidence to the Development Services Director that the project operator and/or construction manager has developed a "Valley Fever Training Handout", training, and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session materials, handout(s) and schedule shall be submitted to the Development Services Director within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Development Services Director regarding the "Valley Fever Training Handout" and Session(s) shall include the following:</p> <ul style="list-style-type: none"> • A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session. • Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever. • Training on methods that may help prevent Valley Fever infection. • A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to 	<p>Prior to the final approval of grading plan, issuance of stockpile or construction permit, or any ground disturbing activities.</p>	<p>Submission of training materials, sign-in sheets, and LA County Public Health approved plan.</p>	<p>Development Services Department, Community Development Division, and LA County Public Health</p>			

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	<p>reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Where respirators are required, the equipment shall be readily available and shall be provided to employees for use during work. Proof that the demonstration is included in the training shall be submitted to the county. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.</p> <p>The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan that addresses the potential presence of the <i>Coccidioides</i> spore and mitigates for the potential for <i>Coccidioidomycosis</i> (Valley Fever). Prior to issuance of permits, the project operator shall submit the Plan to the Los Angeles County Public Health for review and approval. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential <i>Coccidioides</i> spores. Measures in the Plan shall include the following:</p> <ul style="list-style-type: none"> • Provide HEP-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Cause contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs, such as turning on air conditioning prior to using the 						

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	<p>equipment.</p> <ul style="list-style-type: none"> • Provide communication methods, such as two-way radios, for use in enclosed cabs. • Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with minimum N-95 protection factor for use during worker collocation with surface disturbance activities, as required per the hazard assessment process. • Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144). • Provide separate, clean eating areas with hand-washing facilities. • Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site. • Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor. • Work with a medical professional to develop a protocol to medically evaluate 						

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	<p>employees who develop symptoms of Valley Fever.</p> <ul style="list-style-type: none"> • Work with a medical professional, in consultation with the Los Angeles County Public Health, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created and reviewed by the project operator, and reviewed by the Development Services Director. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries. • When possible, position workers upwind or crosswind when digging a trench or performing other soil-disturbing tasks. • Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas will be equipped with handwashing facilities. • Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory 						

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	<p>protection.</p> <ul style="list-style-type: none"> Audit and enforce compliance with relevant Cal OSHA health and safety standards on the job site. 						
2.	In the event that complaints are received regarding odors emanating from the facility, the applicant shall install additional odor control technology to the satisfaction of the City of Lancaster.	During operation.	Field inspection or receipt of public complaints.	Community Development Division and Building and Safety AVAQMD			

CULTURAL RESOURCES

3.	<p>In the event that previously unknown cultural resources are identified during construction, the following requirements shall apply:</p> <ol style="list-style-type: none"> If human remains or funerary objects are encountered during any construction activities associated with the proposed project, work within a 100-foot buffer shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5. In the event that Native American cultural resources are discovered during any construction activities all work within a 60-foot buffer shall cease and a qualified archaeologist meeting the Secretary of the Interior standards shall be hired to assess the find. The appropriate tribes shall be contacted and provided information and invited to perform a site visit in conjunction with the archaeologist to provide Tribal input. 	During construction.	Notification to the City of Lancaster, County Coroner, and/or any affected tribe.	Development Services Department, Community Development Division, County Coroner, and appropriate tribal parties			
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Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	iii. If significant Native American resources are discovered and avoidance cannot be ensured a Secretary of the Interior qualified archaeologist shall be retained to develop a cultural resource Treatment Plan, as well as a Discovery and Monitoring Plan. A copy of the draft document shall be provided to the appropriate tribes for review and comment. All in field investigation, assessment and/or data recovery pursuant to the Treatment Plan shall be monitored by a Tribal Monitor. Additionally, the applicant and City of Lancaster shall consult with the appropriate tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project.						
4.	The applicant shall in good faith contact the Fernandeno Tataviam Band of Mission Indians to discuss and address concerns associated with the development of the site. A copy of any concerns and the proposed resolution/agreement shall be submitted to the City prior to the issuance of permits.	Prior to final approval of a grading/construction plan, issuance of stockpile or construction permit, or any ground disturbing activities	Submittal of agreement/resolution between developer and any affected tribe	Development Services Department, Community Development Division and appropriate tribal parties			
GEOLOGY AND SOILS							
5.	The applicant shall submit a Dust Control Plan to the Antelope Valley Air Quality Management District (AVAQMD) for review and approval in accordance with Rule 403, Fugitive Dust, prior to the issuance of any grading and/or construction permits. This plan shall demonstrate adequate water or dust suppressant application equipment to mitigate all	Prior to vegetation removal, grubbing, grading, stockpile, or construction, the City shall receive a copy of the Dust Control Plan	A copy of the AVAQMD-approved Dust Control Plan Field Inspections	Development Services Department, Community Development Division and Building and Safety, and the AVAQMD.			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	disturbed areas.						
HAZARDS AND HAZARDOUS MATERIALS							
6.	The applicant shall comply with all existing laws and requirements of the Los Angeles County Fire Department, Cannabis Unit, and CUPA	During construction and operation.	Plan review and field inspection.	Los Angeles County Fire Department, CUPA			
NOISE							
7.	Construction operations shall not occur between 8 p.m. and 7 a.m. on weekdays or Saturday or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
8.	The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
9.	Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
10.	Material stockpiles and mobile equipment staging, parking and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
11.	The use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
12.	No project-related public address of music system shall be audible at any adjacent receptor.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
13.	All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			

1. Project title and File Number: General Plan Amendment No. 18-03
Zone Change No. 18-03
Conditional Use Permit No. 18-05
2. Lead agency name and address: City of Lancaster
Development Services Department
Community Development Division
44933 Fern Avenue
Lancaster, California 93534
3. Contact person and phone number: Jocelyn Swain, Principal Planner
(661) 723-6100
4. Applicant name and address: Tradecraft Ventures, LLC
701 Palomar Airport Road, Suite 300
Carlsbad, CA 92011
5. Location: 43511 70th Street East
Lancaster, CA 93535

Assessor's Parcel Number (APN: 3386-007-035)
6. General Plan designation: Existing: Non-Urban Residential (NU)

Proposed: Light Industrial (LI)
7. Zoning: Existing: RR-2.5 (Rural Residential, minimum lot size 2.5 acres)
Proposed: Light Industrial (LI)

8. Description of project:

The project site is currently developed with a produce packing facility. The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility and would utilize the existing facilities on the property along with constructing an additional "building". The proposed project would total approximately 122,871 square feet and would be developed in three phases.

Phase I consists of the renovation of 27,781 square feet of the existing produce packing building for the cultivation of medical cannabis. This phase would have seven grow rooms, each totaling approximately 2,200 square feet, a mother room, a veg room, a dry room, and a trim room. A restroom facility and a utility room would be located within the interior of the grow facility. Immediately connected to the grow

facility, but not accessible from the inside of the grow building, is a two story addition containing offices and a breakroom.

Phase II would consist of the construction of an approximately 54,600 greenhouse type building for the cultivation of medical cannabis. The building is proposed to be constructed out of modular type “greenhouses”; however, per the City’s municipal code, the building give the appearance of cannabis cultivation facility and as such, the specific look of the building may change. Interior to the building would be dedicated almost exclusively to veg and flower space. There would also be two of each of the following: trim rooms, dry room, break rooms with lockers and restrooms, and reservoir room.

Phase III would consist of the renovation of the remaining 40,490 square feet of the existing produce packing facility. This phase would be predominantly for the cultivation of medical cannabis; however, approximately 1,560 square feet would be dedicated to the manufacturing of medical cannabis products with an extraction room, processing facilities, and office. The remainder of the space would be comprised of 7 flower rooms, 1 veg room, a trim room, dry room, mother room, and a break room with lockers and restroom facilities. Also contained within this phase is a trash room and a room for the storage of pesticide.

The project site is currently surrounded with a chain link fence. This fence will be replaced with a block wall and a wrought iron gate will control access to the project site. Access will be provided from a driveway which is located off of 70th Street East. This driveway will be paved and lead to an improved parking lot adjacent to the existing building. Landscaping will be provided throughout the parking lot. A recessed truckwell and loading dock are located on the south side of the parking lot adjacent to the building. Located along the southern property line is a domestic water tank, fire water storage tank, water well and a trash enclosure. A drainage basin is located at the northeast corner of the property. These existing improvements will remain with implementation of the proposed project.

General Plan Amendment and Zone Change

Cannabis cultivation and manufacturing facilities are only allowed in the industrial zones per Lancaster Municipal Code Section 17.43. The project site is currently designated as NU and zoned RR-2.5 and is developed with produce packing facility. As such, the applicant has requested to change the general plan designation from NU to LI. They are also requesting to change the zoning from RR-2.5 to LI in order to allow for the construction and operation of the cannabis cultivation and manufacturing facility described above.

9. Surrounding land uses and setting:

The area immediately surrounding the project site is a mix of vacant land and agricultural facilities. A single family residence is located approximately 800 feet west of the project site and another single family residence is located approximately 1,000 feet to the south of the project. No other uses are located in the vicinity. Little Rock Wash is located approximately 1 mile west of the project site. Table 1 provides the zoning and land uses for the properties immediately adjacent to the project site.

Table 1
Zoning/Land Use Information

Direction	Zoning		Land Use
	City	County	
North	RR-2.5	--	Avenue K followed by agricultural uses
East	RR-2.5	--	70 th Street East followed by vacant land
South	RR-2.5	--	Vacant land, single family residence approximately 1,000 feet to the south
West	RR-2.5,	--	Vacant land, single family residence approximately 800 feet west

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement.)

Approvals from other public agencies for the proposed project include, but are not limited to, the following:

- Antelope Valley Air Quality Management District (AVAQMD) (dust control plan)
- Southern California Edison
- Los Angeles County Fire Department
- Regional Water Quality Control Board – Lahontan

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun?

In accordance with Senate Bill (SB) 18 and Assembly Bill (AB) 52, the City sent letters to a total of six tribes (seven individuals) that have either been identified by the Native American Heritage Commission (NAHC) or that have directly contacted the City for notification via certified, return receipt mail on April 9, 2018. These letters included copies of the site plan, cultural resources report, and an aerial photograph along with the offer to consult on the project. Table 2 identifies the six tribes, the person whose attention the letter was directed to, and the date the letter was received.

The City received a response from the Fernandeno Tataviam Band of Mission Indians requesting specific information regarding the proposed project such as the amount of excavation. This information is not currently available. As such, a mitigation measure has been incorporated which requires the applicant to reach out to the tribe to answer any questions and address potential concerns. Additionally, a general mitigation measure has been incorporated which outlines the procedures to be followed in the event that any cultural resources are encountered during new construction. This mitigation measure has been included in the cultural resources section.

No other tribes have responded to the SB 18/AB 52 consultation letter.

Table 2
Tribal Notification

Tribe	Person/Title	Date Received
Fernandeno Tataviam Band of Mission Indians	Jairo Avila/ Tribal Historic and Cultural Preservation Officer	April 12, 2018
Serrano Nation of Mission Indians	Goldie Walker/ Chairperson	April 16, 2018
San Fernando Band of Mission Indians	John Valenzuela/ Chairperson	April 20, 2018
Gabrieleno Band of Mission Indians – Kizh Nation	Andrew Salas/ Chairman	April 12, 2018
Morongo Band of Mission Indians	Robert Martin/Chairperson	April 12, 2018
Morongo Band of Mission Indians	Denisa Torres/Cultural Resources Manager	April 12, 2018
San Manuel Band of Mission Indians	Lee Clauss/ Director of Cultural Resources	April 12, 2018

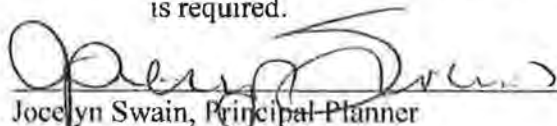
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION - On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared:
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in a earlier EIR or NEGATIVE DECLARATION pursuant to applicant standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Jocelyn Swain, Principal Planner

8/14/18
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation measures. For effects that are “Less than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
I. <u>AESTHETICS</u> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. <u>AGRICULTURE AND FOREST RESOURCES:</u> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:				

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined in Public Resources Code Section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				
III. <u>AIR QUALITY</u> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable Air Quality Plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?		X		
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. <u>CULTURAL RESOURCES</u> -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of dedicated cemeteries?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VI. <u>GEOLOGY AND SOILS</u> -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for disposal of waste water?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VII. <u>GREENHOUSE GAS EMISSIONS</u> -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	
VIII. <u>HAZARDS AND HAZARDOUS MATERIALS</u> -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably fore-seeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
<u>IX. HYDROLOGY AND WATER QUALITY</u> – Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?			X	
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i) Inundation by seiche, tsunami, or mudflow?				
X. <u>LAND USE AND PLANNING</u> -- Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X
XI. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
XII NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Other public facilities?				X
XV. <u>RECREATION</u> --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XVI. <u>TRANSPORTATION/TRAFFIC</u> -- Would the project:				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVII. TRIBAL CULTURAL RESOURCES --				
Would the project cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or			X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant of the resource to a California Native American tribe.			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing resources, or are new or expanded entitlements needed?			X	
e) Have a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIX. MANDATORY FINDINGS OF SIGNIFICANCE –				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

DISCUSSION OF ENVIRONMENTAL CHECKLIST

I. AESTHETICS

- a. Views of two scenic areas are potentially available from the roadways and areas surrounding the project site as identified by the City of Lancaster’s General Plan (LMEA Figure 12-1). These scenic resources include views of the Foothill Area (Scenic Area 1) on the far west end of the City and Little Rock Wash (Scenic Area 5) which is located approximately a mile west of the project site.

The proposed project would involve the reuse of the existing produce packing facility and the construction of an additional building for the operation of a medical cannabis cultivation and manufacturing facility. With implementation of the proposed project, the available views of the identified scenic resources would not change and would continue to be available from the roadways and area surrounding the project site. The change in the

- project site would be visible only in that it would add an additional structure to the already developed project site. Additionally, the chain-link fence would be replaced with a block wall and wrought iron gate on 70th Street East. The reuse of the existing buildings and the construction of the new building would not impede views of the mountains and open desert while traveling on any of the surrounding roadways. Therefore, impacts would be less than significant.
- b. The proposed project would not remove any scenic resources such as rock outcroppings, trees or buildings (historic or otherwise). The proposed project would reuse the existing produce packing facility and construct an additional building for the cultivation and manufacturing of medical cannabis. The existing structures were built in 2003 and would not be removed from the project site. Additionally, the project site not located along a scenic highway or locally designated scenic roadway and development of the project site would not change the available views of the mountains, open desert or scenic resources. Therefore, impacts would be less than significant.
 - c. The proposed project would slightly modify the existing visual character of the project site in that it would add a 54,600 square foot structure to an already developed site. The existing structures on the project site would be reused as part of the proposed project. While this would slightly change the character of the existing site, the proposed project would be compatible with surrounding agricultural facilities and occasional single family residence. Therefore, impacts would be less than significant.
 - d. The proposed project may create new sources of lighting from additional security and perimeter lighting. The area surrounding the project site has minimal ambient lighting predominantly from the occasional residential use, any lighting associated with the agricultural fields, street lights, and vehicle headlights. Any additional lighting added to the project site would be shielded and focused downward. No sources of glare are anticipated on the project site as the structures on the project site would be constructed from non-reflective materials to the extent feasible. Any additional water tanks required by the fire department would be painted a neutral color. Therefore, light and glare impacts would be less than significant.

II. AGRICULTURE AND FOREST RESOURCES

- a. The California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program (FMMP), tracks and categorizes land with respect to agricultural resources. Land is designated as one of the following and each has a specific definition: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-Up Land, and Other Land.

The maps for each county are updated every two years. The Los Angeles County Farmland Map was last updated in 2016. Based on the 2016 map, the project site is designated as Other Land.

Other Land is defined as “land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian

areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as other land.” As the project site is not designated as farmland of importance by the State nor is it currently utilized for agricultural production, no impacts to agricultural resources would occur.

- b. The project site is currently zoned as RR-2.5 which allows for agricultural uses and is proposed to be changed to LI which allows for some types of agricultural-related uses. The project site is not under agricultural production; however, it is currently utilized as a produce packing facility. Some of the property in the surrounding area is currently utilized for agricultural production. The proposed project consists of the development and operation of a cannabis cultivation and manufacturing facility and would not interfere with any agricultural uses in the area. The existing facility would be modified and expanded but no agricultural production in the area would be removed. Additionally, the project site or surrounding area is not subject to a Williamson Act contract. Therefore, impacts would be less than significant.
- c-d. According to the City of Lancaster’s General Plan, there are no forests or timberlands located within the City of Lancaster. Therefore, the proposed projects would not result in the rezoning of forest or timberland and would not cause the loss of forest land or the conversion of forest land to non-forest land. No impacts would occur.
- e. See responses to Items IIa-d.

III. AIR QUALITY

- a. Development proposed under the City of Lancaster’s General Plan would not create air emissions that exceed the Air Quality Management Plan (GPEIR pgs. 5.5-21 to 5.5-22). The project site is currently utilized as a produce packing facility and the proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility. The project site is currently designated for as NU (Non-Urban Residential) under the City’s General Plan. The applicant is seeking a general plan amendment and zone change to change the designation on this property to Light Industrial (LI) and the zoning to LI in order to allow for the medical cannabis facility with a conditional use permit. While the LI industrial designation is generally a more intensive use than NU, the project site is substantially developed with an existing produce packing facility and the proposed project would be similar in nature. Therefore, the emissions associated with the proposed project have been mostly accounted for in the Air Quality Management Plan and any slight increase will not change the baseline assumptions. Therefore, the project would not conflict with or obstruct the implementation of the Air Quality Management Plan and impacts would be less than significant.
- b. Implementation of Phases I and III of the proposed project would only involve interior tenant improvements and would only generate minimal air emissions. Construction of Phase II of the proposed project would generate additional emissions as it involves the construction of a 54,600 square foot building. These emissions would be associated with limited grading, use of heavy equipment, construction worker vehicles, etc. However, the

emissions are not anticipated to exceed the construction emission thresholds established by the Antelope Valley Air Quality Management District (AVAQMD) due to the size and type of the proposed project. Therefore, construction emissions would be less than significant.

During operation, the proposed project would generate approximately 243 vehicle trips on a daily basis. Vehicle trips associated with the proposed project would generate emissions; however, due to the minimal number of vehicle trips per week, these emissions would not be sufficient to create or significantly contribute towards violations of air quality standards. Therefore, emissions associated with the operation of the proposed project would be less than significant.

A discussion of dust control measures during construction and operation of the proposed project can be found under Item VI.b and a discussion of valley fever can be found under Item III.d.

- c. The proposed project, in conjunction with other development as allowed by the General Plan, would result in a cumulative increase in pollutants. However, since the emissions associated with the construction and operation of the proposed project would be less than significant; the project's contribution would not be cumulatively considerable.
- d. The closest sensitive receptors to the project site are the two single family residences located approximately 800 feet west and 1,000 feet south of the project site. Based on the amount of traffic expected to be generated by the proposed project, no significant traffic impacts would be anticipated. Therefore, substantial pollutant concentrations would not occur and impacts would be less than significant.

However, since the modification to the existing building and construction of the buildings associated with Phase II of the proposed project would result in the disturbance of the soil, it is possible individuals could be exposed to Valley Fever. Valley Fever or coccidioidomycosis, is primarily a disease of the lungs caused by the spores of the *Coccidioides immitis* fungus. The spores are found in soils, become airborne when the soil is disturbed, and are subsequently inhaled into the lungs. After the fungal spores have settled in the lungs, they change into a multicellular structure called a spherule. Fungal growth in the lungs occurs as the spherule grows and bursts, releasing endospores, which then develop into more spherules.

Valley Fever is not contagious, and therefore, cannot be passed on from person to person. Most of those who are infected would recover without treatment within six months and would have a life-long immunity to the fungal spores. In severe cases, especially in those patients with rapid and extensive primary illness, those who are at risk for dissemination of disease, and those who have disseminated disease, antifungal drug therapy is used.

Nearby sensitive receptors as well as workers at the project site could be exposed to Valley Fever from fugitive dust generated during construction. There is the potential that cocci spores would be stirred up during excavation, grading, and earth-moving activities, exposing construction workers and nearby sensitive receptors to these spores and thereby to the potential of contracting Valley Fever. However, implementation of Mitigation

Measure 5 (see Geology and Soils) which requires the project operator to implement dust control measures in compliance with AVAQMD Rule 403, and implementation of Mitigation Measure 1, below, which would provide personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors about Valley Fever, the risk of exposure to Valley Fever would be minimized to a less than significant level.

1. Prior to ground disturbance activities, the project operator shall provide evidence to the Development Services Director that the project operator and/or construction manager has developed a "Valley Fever Training Handout", training, and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session materials, handout(s) and schedule shall be submitted to the Development Services Director within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Development Services Director regarding the "Valley Fever Training Handout" and Session(s) shall include the following:
 - A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
 - Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever.
 - Training on methods that may help prevent Valley Fever infection.
 - A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Where respirators are required, the equipment shall be readily available and shall be provided to employees for use during work. Proof that the demonstration is included in the training shall be submitted to the county. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.

The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan that addresses the potential presence of the *Coccidioides* spore and mitigates for the potential for Coccidioidomycosis (Valley Fever). Prior to issuance of permits, the project operator shall submit the Plan to the Los Angeles County Public Health for review and approval. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential *Coccidioides* spores. Measures in the Plan shall include the following:

- Provide HEP-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Cause contractors utilizing applicable heavy

- equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs, such as turning on air conditioning prior to using the equipment.
- Provide communication methods, such as two-way radios, for use in enclosed cabs.
 - Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with minimum N-95 protection factor for use during worker collocation with surface disturbance activities, as required per the hazard assessment process.
 - Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
 - Provide separate, clean eating areas with hand-washing facilities.
 - Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site.
 - Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor.
 - Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever.
 - Work with a medical professional, in consultation with the Los Angeles County Public Health, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created by the project operator and reviewed by the project operator and reviewed by the Development Services Director. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.
 - When possible, position workers upwind or crosswind when digging a trench or performing other soil-disturbing tasks.
 - Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas will be equipped with handwashing facilities.
 - Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory protection.
 - Audit and enforce compliance with relevant Cal OSHA health and safety standards on the job site.
- e. Construction and operation of the proposed project is not anticipated to produce significant objectionable odors. Construction equipment used for the paving of the

parking lot and other construction activities may generate some odors, but these odors would be similar to those produced by vehicles traveling on Avenue K and 70th Street East. Most objectionable odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products and other strong smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. These types of uses are not part of the proposed project. The medical cannabis cultivation and manufacturing facility would produce odors. To combat odors, the applicant is required to install systems such as charcoal-filled carbon filters, closed loop aeration systems, and/or reverse pressure air systems throughout the facility/cultivation area (including inside the grow rooms) to filter the odor. The specific systems proposed and utilized are subject to review by an odor specialist at the building plan check phase to ensure that they will adequately control odors.

While these systems are intended to control odors outside of the facility, it is possible that odors still may be detectable by residents or visitors to neighboring properties. The following mitigation measure is required to ensure that odors are not noticeable to the general public. With the implementation of this measure, odor impacts would be less than significant.

2. In the event that complaints are received regarding odors emanating from the facility, the applicant shall install additional odor control technology to the satisfaction of the City of Lancaster.

IV. BIOLOGICAL RESOURCES

- a. A biological resources survey was conducted for the project site by Mark Hagan and documented in a report entitled "Biological Resource Assessment of APN 3386-007-035, Lancaster, California" and dated October 29, 2017. The following summarizes the results of this survey.

A field survey of the project site was conducted on October 19, 2017. A total of 7 line transects were walked across the project site. A hard packed clay loam surface soil texture was characteristic throughout the project site. The study area was used as an operating produce packing plant, parking and storage area. A dried, scraped evaporation pond was observed in the northeast corner of the project site. No wetlands or desert washes were observed within the study area. A total of 14 plants, not including landscaping, were identified on the project site. Willow saplings were observed in the parking area along a small portion of the western boundary and small groups of cattails were observed in old oleander plantings still being irrigated. Table 3 provides a list of the plant species that were identified on site during the project survey. The common name of the plant is provided followed by the scientific name in (). There are no records for the project site of sensitive plant species in the existing databases and no special status plant species were observed during the survey.

A total of nine wildlife species, or their sign were observed during the survey. Table 4 provides a list of the wildlife species observed on the project site during the site survey. No desert tortoise, burrowing owls, Mohave ground squirrel, or nesting birds, or their sign were observed during the survey.

**Table 3
 Plant Species**

willow sp. (<i>Salix</i> sp.)	oleander (<i>Nerium oleander</i>)	Chinese pusley (<i>Heliotropium curvassavicum</i>)
broadleaf cattail (<i>Typha latifolia</i>)	nightshade sp (<i>Solanum</i> sp.)	jimson weed (<i>Datura meteloides</i>)
rattlesnake weed (<i>Euphorbia albomarginata</i>)	common dandelion (<i>Taraxacum</i> sp.)	puncture vine (<i>Tribulus terrestris</i>)
tumble mustard (<i>Sisymbrium altissimum</i>)	Russian thistle (<i>Salsola tragus</i>)	annual rabbit foot grass (<i>Polypogon monspeliensis</i>)
crab grass (<i>Digitaria</i> sp.)	schismus (<i>Schismus</i> sp.)	

**Table 4
 Wildlife Species**

California ground squirrel (<i>Citellus beecheyi</i>)	desert cottontail (<i>Sylvilagus audubonii</i>)	domestic cat (<i>Felix</i> sp.)
rock dove (<i>Columba livia</i>)	horned lark (<i>Eremophila alpestris</i>)	house finch (<i>Carpodacus mexicanus</i>)
velvet ant (<i>Dasymutilla occidentalis</i>)	beetle (black, striped) (Order Coleoptera)	painted lady (Order: Lepidoptera)

The project site does not contain suitable habitat for any sensitive plant or animal species or nesting birds. Therefore, no impacts are anticipated to occur and no mitigation measures with respect to biological resources are required.

- b. The project site does not contain any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. Therefore, no impacts would occur.
- c. There are no federally protected wetlands on the project site as defined by Section 404 of the Clean Water Act. Therefore, no impacts would occur.
- d. The project site is currently developed with a produce packing facility at the intersection of two major roadways (Avenue K and 70th Street East) and is fenced. The project site does not contain any habitat and is not utilized as a wildlife corridor. Development in the area is sparse and is limited to a handful of single family residences and agricultural facilities (onions, carrots, alfalfa, etc.). Therefore, no impacts would occur.
- e-f. The project site is not located in an area designated under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. Additionally, there are no local policies or

ordinances protecting biological resources which are applicable to the site. Therefore, no impacts would occur.

V. CULTURAL RESOURCES

- a-d. A cultural resources survey was conducted for the proposed project by CRM Tech. This survey was documented in a report entitled "Phase I Historical/Archaeological Resources Survey, Assessor's Parcel Number 3386-007-035, City of Lancaster, Los Angeles County, California" and dated November 17, 2017.

Prior to fieldwork, a records search was conducted using records from the South Central Coastal Information Center (SCCIC) on October 25, 2017. A total of four cultural resources surveys, in addition to the general survey prepared in 2006 for the City's General Plan update, had been conducted within a mile of the project. None of these studies identified any cultural resources. In addition, a Sacred Lands File Search was requested from the Native American Heritage Commission for the project site with negative results.

A field survey of the project site was conducted on November 1, 2017 by walking a series of north-south pedestrian transects spaced approximately 15 to 25 meters apart over all vacant areas. No buildings, structures, objects, sites, features, or artifacts more than 50 years of age were identified. All existing built-environment features are clearly modern in origin. The ground surface on the project site has been extensively disturbed by past agricultural operations and construction of the existing facility. Therefore, no impacts to cultural resources would occur as a result of the proposed project

Development of the project site would not directly or indirectly destroy a unique paleontological resource, site, or geologic feature. No human remains, including those interred outside of formal cemeteries, were discovered on the project site. No impacts would be anticipated to occur to cultural resources. However, as described in Item 11 on page 3, the Fernandeno Tataviam Band of Mission Indians contacted the City with a request for additional information that is not currently available. In order to ensure that any potential concerns that the tribe has regarding the proposed project and to ensure that proper treatment of any cultural resources encountered during construction of Phase II, mitigation measures have been identified. With incorporation of the identified mitigation measures, impacts to cultural resources would be less than significant.

3. In the event that previously unknown cultural resources are identified during construction, the following requirements shall apply:
 - i. If human remains or funerary objects are encountered during any construction activities associated with the proposed project, work within a 100-foot buffer shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.

- ii. In the event that Native American cultural resources are discovered during any construction activities all work within a 60-foot buffer shall cease and a qualified archaeologist meeting the Secretary of the Interior standards shall be hired to assess the find. The appropriate tribe shall be contacted and provided information and invited to perform a site visit in conjunction with the archaeologist to provide Tribal input.
 - iii. If significant Native American resources are discovered and avoidance cannot be ensured a Secretary of the Interior qualified archaeologist shall be retained to develop a cultural resource Treatment Plan, as well as a Discovery and Monitoring Plan. A copy of the draft document shall be provided to the appropriate tribe for review and comment. All in field investigation, assessment and/or data recovery pursuant to the Treatment Plan shall be monitored by a Tribal Monitor. Additionally, the applicant and City of Lancaster shall consult with the appropriate tribe on the disposition and treatment of any artifacts or other cultural materials encountered during the project.
 4. The applicant shall in good faith contact the Fernandeno Tataviam Band of Mission Indians to discuss and address concerns associated with the development of the site. A copy of any concerns and the proposed resolution/agreement shall be submitted to the City prior to the issuance of permits.

VI. GEOLOGY AND SOILS

- a. The project site is not identified as being in or in proximity to a fault rupture zone (LMEA Figure 2-5). According to the Seismic Hazard Evaluation of the Lancaster East and West Quadrangles, the project site may be subject to intense seismic shaking (LMEA pg. 2-16). However, the all tenant improvements and new construction associated with the proposed project would be constructed in accordance with the seismic requirements of the Uniform Building Code (UBC) as adopted by the City, which would render any potential impacts to a less than significant level. The project site is generally level and is not subject to landslides (SSHZ).

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by earthquake shaking or other events. This phenomenon occurs in saturated soils that undergo intense seismic shaking typically associated with an earthquake. There are three specific conditions that need to be in place for liquefaction to occur: loose granular soils, shallow groundwater (usually less than 50 feet below the ground surface) and intense seismic shaking. In February 2005, the California Geologic Survey updated the Seismic Hazard Zones Maps for Lancaster (SSHZ). Based on these maps, the project site is not in an area at risk for liquefaction. No impacts would occur.

- b. Portions of the project site are rated as having a “moderate” risk for soil erosion (USDA SCS Maps) when cultivated or cleared of vegetation. The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility. The existing produce packing facility on the project site would remain and tenant improvements would occur in Phase I and Phase II. During Phase II a 54,600 square foot

building would be constructed for additional cultivation space. Additionally, the parking lot on the property would be redone and paved along with the driveway from 70th Street East. All other structures would remain as they are on the project site. Some grading would be in order to construct these improvements and there remains a potential for water and wind erosion during construction. The proposed project would be required, under the provisions of the Lancaster Municipal Code (LMC) Chapter 8.16, to adequately wet or seal the soil to prevent wind erosion. Additionally, the following mitigation measure shall be required to control dust/wind erosion.

5. The applicant shall submit a Dust Control Plan to the Antelope Valley Air Quality Management District (AVAQMD) for review and approval in accordance with Rule 403, Fugitive Dust, prior to the issuance of any grading and/or construction permits. This plan shall demonstrate adequate water or dust suppressant application equipment to mitigate all disturbed areas.
- c. Subsidence is the sinking of the soil caused by the extraction of water, petroleum, etc. Subsidence can result in geologic hazards known as fissures. Fissures are typically associated with faults of groundwater withdrawal, which result in the cracking of the ground surface. According to Figure 2-3 of the City of Lancaster's Master Environmental Assessment, the closest sinkholes and fissures to the project site are located at approximately Lancaster Boulevard and the Antelope Valley Freeway (SR-14). These are approximately 9 miles west of the project site at the closest point. The project site is not known to be within an area subject to fissuring, sinkholes, or subsidence (LMEA Figure 2-3) or any other form of soil instability. For a discussion of potential impacts regarding liquefaction, please refer to Item VI.a. Therefore, no impacts would occur.
- d. The soil on the project site is characterized by a low shrink/swell potential (LMEA Figure 2-3), which is not an expansive soil as defined by Table 18-1-B of the Uniform Building Code. A soils report on the soils within the project site shall be submitted to the City by the project developer prior to grading of the property/construction of the improvements and the recommendations of the report shall be incorporated into the development of the property. Therefore, impacts would be less than significant.
- e. The existing produce packing facility and project site is currently on a septic system and the proposed project would continue to utilize the existing system. Therefore, impacts would be less than significant.

VII. GREENHOUSE GAS EMISSIONS

- a-b. The proposed project involves the construction and operation of a medical cannabis cultivation and manufacturing facility. As discussed in Item III.b, the proposed project would generate air emissions during construction activities. Demolition and construction activities would generate approximately greenhouse gas emissions; however, these emissions would be well below the greenhouse gas emissions thresholds of 548,000 pounds per day or 100,000 tons per year established by the AVAQMD and would not prevent the State from reaching its greenhouse gas reduction targets. Operation of the proposed project would generate minimal amounts of emissions, primarily from vehicle

trips associated with workers and deliveries to and from the project site. Therefore, impacts would be less than significant.

The proposed project would be in compliance with the greenhouse gas goals and policies identified in the City of Lancaster's General Plan (pgs. 2-19 to 2-24) and with the City's Climate Action Plan. Therefore, impacts with respect to conflicts with an agency's plan, policies, or regulations would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- a-b. The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility. The project site is currently developed with a produce packing facility. Phases I and III would consist of tenant improvements to the existing building, totaling 68,271 square feet. Phase II would consist of the construction of 54,600 square foot building for additional cultivation space. The proposed project would utilize hazardous materials during operation for the cultivation and manufacturing of medical cannabis. Specifically, fertilizers may be utilized during the cultivation process and hazardous materials such as butane, alcohol, and supercritical carbon dioxide may be utilized during the manufacturing of medical cannabis products. However, the specific hazardous materials utilized would depend upon the tenant involved in the manufacturing process and the specific products being manufactured. Additionally, routine hazardous materials would be utilized in the maintenance of the facilities (e.g., cleaning products, etc.).

The Los Angeles County Fire Department, Certified Unified Regulatory Program (CUPA), oversees and regulates the use and storage of hazardous materials. All use and storage of hazardous materials at the project site would be conducted in accordance with all existing rules, regulations, and laws. In order to ensure that all impacts associated with the use of hazardous materials and the manufacturing of medical cannabis products remains less than significant, the following mitigation measure is required.

6. The applicant shall comply with all existing laws and requirements of the Los Angeles Fire Department, Cannabis Unit, and CUPA.
- c. The project site is not located within a quarter mile of an existing or proposed school. The closest school to the project site is the Eastside Elementary School, located at 6742 East Avenue H, approximately 3 miles north of the project site. Additionally, the proposed project would not generate hazardous emissions. Therefore, impacts would be less than significant.
- d. A Phase I Environmental Site Assessment was prepared for the project site by Fulcrum Resources Environmental. The results of the study are documented in a report entitled "Phase I Environmental Site Assessment of 43511 70th Street East, Lancaster, California 93535" and dated October 11, 2017.

A site visit was conducted on the project site on September 22, 2017 to determine the presence of any recognized environmental concerns. The project site is currently occupied by Calandri Sunrise Farms which has operated an onion packing and storage

facility on the project site since 2004. During the survey of the project site, no recognized environmental concerns were noted and overall housekeeping practices were considered good. Table 5 provides a summary of the items observed during the field survey.

**Table 5
 Items Noted During the Field Survey**

Topic	Observations
Petroleum/Hazardous Materials	Oils used in the maintenance of the gearboxes is food-grade, non-hazardous and is transported off-site by a licensed hauler.
Above/Underground Storage Tanks	<ul style="list-style-type: none"> • One condensation tank • One gravity tank • Large water tank use for fire suppression • Holding tank for onsite domestic water well • Propane tank • Diesel aboveground storage tank
Fueling Systems	The onsite forklifts are fueled by propane. The fire pump is fueled by diesel contained in a pad-mounted AST adjacent to the pump house.
PCBs	Pad-mounted electrical transformers are located on the northwest and northeast portions of the project. Based on the construction date of the facility (2003), the likelihood of high concentration PCBs in the dielectric fluid is low.
Lagoons, septic systems, sumps, clarifiers, floor drains	A concrete lined drainage basin is located on the property

In addition to the survey of the project site, a database records search was conducted for the project site by EDR. The environmental database report was dated September 28, 2017 and is contained within the Phase I report. The project site was identified on State/Tribal Underground Storage Tank list. This is a list of state registered underground storage tanks for the area. The project site was listed as having a 9,000-gallon underground storage tank. The project site did not appear on any other regulatory databases and none of the surrounding properties was listed in the regulatory databases. As the listing is simply a registry of underground storage tanks and no violations or issues were reported, this listing does not present an impact to the proposed project and impacts would be less than significant.

- e-f. The project site is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. The closest airport is Air Force Plant 42, which is located approximately 2 miles south of the project site. Therefore, the proposed project would not result in a safety hazard for people working in the project area and no impacts would occur.
- g. Access to the project site would be taken from 70th Street East which is a paved roadway. The access gate will be set back from the edge of the property line to allow vehicles to pull off of the roadway while the gate is opening and driveways off of paved roadways will be paved. Avenue K and 70th Street East have not been designated as evacuation routes in the vicinity of the project site. Additionally, the traffic generated by the proposed project is not sufficient to cause impacts at any of the area intersections. Therefore, the proposed project would not impact or physically block any identified evacuation routes and would not interfere with any adopted emergency response plan. No impacts are anticipated.
- h. The property surrounding the project site is predominantly undeveloped with two single family residences in the nearby vicinity and an agricultural production facility on the north side of Avenue K. It is possible that the undeveloped lands could be subject to a grass fire. However, the project site is located within the boundaries of Fire Station 117, located at 44851 30th Street East which would serve the site in the event of a fire. Additionally, the project site has a 750,000 gallon fire-fighting water tank on the property to assist in the event of a fire. Therefore, impacts from wildland fires would be less than significant.

IX. HYDROLOGY AND WATER QUALITY

- a. The project site is not located in an area with an open body of water or in an aquifer recharge area. The Little Rock Wash is located approximately one mile west of the project site. The project site is currently developed with a produce packing facility which would be modified to encompass the proposed medical cannabis cultivation and manufacturing facility and an additional 54,600 square foot building would be constructed to provide additional cultivation space. The proposed project would be required to comply with all applicable provisions of the National Pollutant Discharge Elimination System (NPDES) program. The NPDES program establishes a comprehensive storm water quality program to manage urban storm water and minimize pollution of the environment to the maximum extent practicable. The reduction of pollutants in urban storm water discharge through the use of structural and nonstructural Best Management Practices (BMPs) is one of the primary objectives of the water quality regulations. BMPs that are typically used to management runoff water quality include controlling roadway and parking lot contaminants by installing oil and grease separators at storm drain inlets, cleaning parking lots on a regular basis, incorporating peak-flow reduction and infiltration features (grass swales, infiltration trenches and grass filter strips) into landscaping and implementing educational programs. The proposed project would incorporate appropriate BMPs as applicable, as determined by the City of Lancaster Development Services Department. Therefore, impacts would be less than significant.

The project site is currently on septic and would continue to utilize the existing septic system. Any expansion of the existing septic system associated with the new construction in Phase II would be done in compliance with all existing rules and regulations of the Regional Water Quality Control Board and Los Angeles County Public Health. As such, the proposed project does not have the potential to introduce industrial discharge into a public water system and potentially violate water quality standards or waste discharge requirements. Therefore, impacts would be less than significant.

- b. The project site is currently developed with a produce packing facility and obtains its water from the existing groundwater well. The proposed project would continue to use the existing well which can supply the water necessary. The project site would not be tied to a public water or sewer system, and currently has a septic system in place. Additionally, as indicated in IX.a, the proposed project would not impact any groundwater recharge areas. Therefore, the proposed project would not deplete groundwater supplies or interfere with groundwater recharge and impacts would be less than significant.
- c-e. Development of the proposed project would increase the amount of surface runoff as a result of impervious surfaces associated with the construction of the additional cultivation facility in Phase II and the construction of the paved driveway and parking lot. Additionally, the proposed project would be designed to accept current flows entering the property and to handle any additional incremental runoff from the project site. Therefore, impacts from drainage and runoff would be less than significant.
- f. The proposed project does not involve the construction of any housing. Therefore, no impacts would occur.
- g. The project site is designated as Flood Zone X per the Flood Insurance Rate Map (FIRM) Panel No. 06037C0442F (2008). Flood Zone X is outside both the 100-year and 500-year flood zones. Therefore, no impacts would occur.
- h. The project site does not contain and are not downstream from a dam or levee. Therefore, no impacts would occur from flooding as a result of the failure of a dam or levee.
- i. The project site is not located within a coastal zone. Therefore, tsunamis are not a potential hazard. The project site is relatively flat and does not contain any enclosed bodies of water and is not located in close proximity to any other large bodies of water. Therefore, the proposed project would not be subject to inundation by seiches or mudflows. No impacts would occur.

X. LAND USE AND PLANNING

- a. The proposed project is not of the scale or nature that could physically divide an established community. The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility and would occupy a site that is currently developed with a produce packing facility. The area surrounding the project site is predominantly vacant with two single family residences located in the immediate area and an agricultural production facility on the north side of Avenue K. The remainder

of the property is vacant and undeveloped. No new roadways would be constructed as part of the proposed project although the driveway from 70th Street East and the parking lot would be paved. The proposed project would not block a public street, trail or other access route or result in a physical barrier that would divide the community. Therefore, no impacts would occur.

- b. Upon approval of the General Plan Amendment and Zone Change, the proposed project would be consistent with the City's General Plan and must be in conformance with the Lancaster Municipal Code. The proposed project will be in compliance with the City-adopted UBC (Item VI.a) and erosion-control requirements (Item VI.b). Therefore, no impacts would occur.
- c. As noted under Item IV.e-f, the project site is not subject to and would not conflict with a habitat conservation plan or natural communities conservation plan. Therefore, no impacts would occur.

XI. MINERAL RESOURCES

- a-b. The project site does not contain any current mining or recovery operations for mineral resources and no such activities have occurred on the project sites in the past. According to the LMEA (Figure 2-4 and page 2-8), the project site is designated as Mineral Reserve Zone 3 (contains potential but presently unproven resources). However, it is considered unlikely that the Lancaster area has large, valuable mineral and aggregate deposits. Therefore, no impacts to mineral resources would occur.

XII. NOISE

- a, b, d. The City's General Plan (Table 3-1) establishes an outdoor maximum CNEL of 65 dBA for rural and residential uses. No noise measurements are available for the roadways immediately adjacent to the project site. The closest noise readings available are for Avenue K from 40th Street East to 50th Street East which is 59.0 dBA (LMEA Table 8-11). Minimal amounts of noise would be generated during construction of Phase I and Phase III as the activities consist of tenant improvements to the existing buildings, paving of the driveway and parking lot, and the replacement of the existing chain-link fence with a 6-foot block wall. Noise levels associated with construction of Phase II are likely to be louder due to the construction of a new 54,600 square foot building. While construction noise is not likely to be exceed the noise standards at the two residential locations near the project site, it is possible that the noise could be heard and considered annoying. In order to ensure that noise levels at the two residences are minimized to the maximum extent possible, the following mitigation measures are required. With implementation of the mitigation measures identified below, these impacts would be reduced to a less than significant level.
- 7. Construction operations shall not occur between 8 p.m. and 7 a.m. on weekdays or Saturday or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.

8. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.
 9. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.
 10. Material stockpiles and mobile equipment staging, parking and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.
 11. The use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.
 12. No project-related public address or music system shall be audible at any adjacent receptor.
 13. All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.
- c. Operation of the proposed project would generate very minimal noise levels as all activities would be conducted within the buildings on the project site. Some noise would be generated from vehicle traffic, outdoor conversations of employees, etc. However, this noise is not likely to be heard at the nearby sensitive receptors and would be similar in nature to the noise levels associated with nearby agricultural facilities and roadway traffic. Therefore, noise impacts would be less than significant.
- e-f. The project site is not in proximity to an airport or frequent overflight area and would not experience noise from these sources (also see Item VIII.e-f.). Therefore, no impacts would occur.

XIII. POPULATION AND HOUSING

- a. The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility on a site that is currently operating as a produce packing facility. Phase I and III involve tenant improvements to the existing facility and Phase II involves the construction of a new 54,600 square foot facility to provide additional cultivation space. While the proposed development would employ individuals for construction/renovation and within the facility itself, these employees are likely to come from the surrounding area and would not directly or indirectly induce substantial population growth. No new roadways would be constructed and no previously undisturbed property would be developed. Therefore, no impacts would occur.

- b-c. While the proposed project is currently zoned for residential uses, it is developed with a produce packing facility which supports local agricultural production. There is no housing on the project site and no individuals living on the project site. No housing or people would be displaced necessitating the construction of replacement housing elsewhere. Therefore, no impacts would occur.

XIV. PUBLIC SERVICES

The proposed project would increase the need for fire and police services; however, the project site is within the current service area of both these agencies and the additional time and cost to service the site is minimal. The proposed project would not induce substantial population growth and therefore, would not substantially increase the demand on parks, schools, or other public facilities. Impacts would be less than significant.

XV. RECREATION

- a-b. The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility on a site that is currently operating as a produce packing facility. Phase I and III involve tenant improvements to the existing facility and Phase II involves the construction of a new 54,600 square foot facility to provide additional cultivation space. As discussed in Item XIV.a, while the proposed project would provide jobs during construction and operation, these jobs are likely to be filled by individuals who live in the Antelope Valley and are already utilizing the recreational facilities. Since the workers would come from the local area, they would not create an additional demand on recreational facilities. Therefore, no impacts to recreational facilities would occur and no construction of new facilities would be necessary.

XVI. TRANSPORTATION/TRAFFIC

- a. The proposed project would generate construction traffic in the form of worker vehicles and delivery trucks. These trips would only occur during construction and would most likely occur at off-peak hours of the day. Adequate access to the project site exists from Avenue K and 70th Street East to handle the trips that construction would generate. At full build out, the proposed project is anticipated to generate approximately 243 daily trips. This is equal to or less than the trips associated with the produce packing facility when it is operating full time. This number of trips would not impact the surrounding street system. Therefore, impacts would be less than significant.
- b. There are no county congestion management agency designated roads or highways in the vicinity of the project site. No impacts would occur.
- c. The project site does not contain any aviation related uses and the proposed project would not include the development of any aviation related uses. Therefore, the proposed project would not interfere with small aircraft flying overhead and would not have an impact on air traffic patterns.

- d. No roadway improvements are required as part of the proposed project. The existing driveway from 70th Street East would be paved and the parking lot would be reconfigured and paved. No hazardous conditions would be created and no impacts would occur.
- e. The proposed project would have adequate emergency access from Avenue K and 70th Street East. On-site circulation would be provided in accordance with the requirements of the Los Angeles County Fire Department; therefore, no impacts would occur.
- f. The proposed project does not conflict with or impede any of the General Plan policies or specific actions related to alternative modes of transportation (Lancaster General Plan pgs. 5-18 to 5-24). Therefore, no impacts would occur.

XVII. TRIBAL CULTURAL RESOURCES

- a-b. No tribal cultural resources have been identified either through the sacred lands file search conducted by the Native American Heritage Commission or by any of the Native American Tribes with cultural affiliations to the area. Mitigation measures have been identified under the Cultural Resources Section which outline the process to be followed in the event that unknown resources are encountered during construction and to address any tribal concerns that may be raised. As such, impacts would be less than significant.

XVIII. UTILITIES AND SERVICE SYSTEMS

- a. The proposed project would be connected to the existing septic system on the project site. Wastewater is expected to be minimal as water associated with the cultivation of the cannabis plants would be recycled to the extent feasible. Wastewater would be generated from the restroom facilities located on the project and can be handled by the on-site septic system. Therefore, the wastewater is not expected to exceed any established standards and impacts would be less than significant.
- b. Wastewater would be handled by the existing septic system on the project site. Therefore, no construction of new water or wastewater facilities would be required and no impacts would occur.
- c. See Section Items IX.c and IX.d.
- d. The applicant has estimated that operation of the facility would require approximately 27,750 gallons of water per month. This water would come from the existing groundwater well at the project site that is utilized to operate the produce packing facility. No additional sources of water would be necessary. Therefore, impacts would be less than significant.
- e. See Section Item XVIII.b.
- f-g. The proposed project would generate solid waste during construction which would contribute to an overall impact on landfill services (GPEIR pgs. 5.13-25 to 5.13-28 and 5.13-31); although the project's contribution would be minimal. During operation of the proposed project, no solid waste would be generated for disposal in the landfill. All

materials generated by the repair or replacement of equipment would be recycled by appropriate facilities. Therefore, no trash collection services would be necessary and impacts would be less than significant.

XIX. MANDATORY FINDS OF SIGNIFICANCE

- a-c. The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility on a property that is currently utilized as a produce packing facility. During Phase I and Phase III, tenant improvements will be made to the existing produce packing facility. Phase II consists of the construction of new 54,600 square foot facility to provide additional medical cannabis cultivation space.

Cumulative impacts are the change in the environment which results from the incremental impact of a project when added to other closely related past, present, and reasonably foreseeable probable future projects. The only other project within a two mile radius of the project site is CUP 17-15, which is a three megawatt solar facility on 20 acres located at approximately 75th Street East and Avenue J. This project has been approved and is currently in plan check for construction permits.

The proposed project would not create any impacts with respect to agricultural/forestry resources, biological resources, land use planning, mineral resources, population/housing, and recreation. Therefore, the proposed project would not contribute to a cumulative impact for these resources.

The project would create impacts to other resource areas and mitigation measures have identified for Air Quality, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, and Noise. Many of the impacts generated by projects are site specific and generally do not influence the impacts on another site. All projects undergo environmental review and have required mitigation measures to reduce impacts when warranted. These mitigation measures reduce environmental impacts to less than significant levels whenever possible. All impacts associated with the proposed project are less than significant with the exception of air quality, cultural resources, geology and soils (soil erosion), hazards, and noise. Impacts associated with these issues are less than significant with the incorporation of the identified mitigation measures, many of which are a restatement of regulatory requirements. Therefore, the project's contribution to cumulative impacts would not be cumulatively considerable.

List of Referenced Documents and Available Locations*:

BRR:	Biological Resource Assessment of APN 3386-007-035, Lancaster, California, Mark Hagan, October 29, 2017	DSD
CRS:	Phase I Historical/Archaeological Resources Survey, Assessor's Parcel Number 3386-007-035, City of Lancaster, Los Angeles County, California, CRM Tech, November 17, 2017	DSD
ESA:	Phase I Environmental Site Assessment of 43511 70 th Street East, Lancaster, California 93535, Fulcrum Resources Environmental, October 11, 2017	DSD
FIRM:	Flood Insurance Rate Map, www.fema.gov	
GPEIR:	Lancaster General Plan Environmental Impact Report	DSD
LGP:	Lancaster General Plan	DSD
LMC:	Lancaster Municipal Code	DSD
LMEA:	Lancaster Master Environmental Assessment	DSD
SSHZ:	State Seismic Hazard Zone Maps	DSD
TRA:	Traffic – CEQA Initial Study Form, August 14, 2018	DSD
USGS:	United States Geological Survey Maps	DSD
USDA SCS:	United States Department of Agriculture Soil Conservation Service Maps	DSD

* DSD: Development Services Department
Lancaster City Hall
44933 Fern Avenue
Lancaster, California 93534

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING THE CITY ZONING PLAN FOR APPROXIMATELY 15 ACRES LOCATED AT 43511 70TH STREET EAST (ASSESSOR PARCEL NUMBER 3386-007-035), KNOWN AS ZONE CHANGE NO. 18-03

WHEREAS, pursuant to Section 17.24.060 of the Lancaster Municipal Code, an application has been filed by Calandri Properties ("Applicant"), to change the zoning designation on approximately 15 acres located at 43511 70th Street East (Assessor Parcel Number 3386-007-035) from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) to LI (Light Industrial); and

WHEREAS, a notice of intention to consider a zone change of the subject property was given, as required by Section 17.24.110 of the Lancaster Municipal Code, and Sections 65854 and 65905 of the Government Code; and

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

WHEREAS, public notice was provided as required by law, and a public hearing was held on September 17, 2018 and October 15, 2018, at which the Planning Commission (a) certified that it had reviewed and considered the information in the Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act (including its implementing regulations) prior to taking action, and (b) found the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures as detailed therein; and

WHEREAS, the City Council desires to approve the Applicant's request as set forth herein.

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

Section 1. The foregoing Recitals are true, correct and a substantive part of this Ordinance.

Section 2. The City Council hereby makes the following findings:

1. The proposed zone change from RR-2.5 to LI is consistent with the General Plan land use designation of LI (Light Industrial) proposed for the subject property.
2. Modified conditions warrant a revision in the zoning plan, as the proposed project site is compatible with the existing land uses within the

surrounding properties. The property surrounding the project site is zoned RR-2.5, and is either undeveloped or contains agricultural uses.

3. A need for the proposed zoning classification of LI exists in order to provide for a suitable site for development as a medical cannabis cultivation and manufacturing facility.
4. The particular property under consideration is a proper location for the LI zoning classification, because it is compatible with the surrounding property, which is zoned RR-2.5. Two single-family homes, agricultural production and vacant land surround the proposed subject site. The proposed use is similar in nature to the existing produce packing and cold storage facility, and would continue to be compatible with the surrounding agricultural uses.

Section 3. The subject property is reclassified from RR-2.5 to LI.

Section 4. All environmental findings, and the Mitigated Negative Declaration, as contained in Attachment "B" of the Planning Commission Resolution No. 18-30, are hereby approved, adopted and incorporated in this Ordinance.

Section 5. Any ordinance previously adopted by the City Council shall be and hereby is repealed if and to the extent inconsistent with this Ordinance, provided, however, that each such ordinance shall otherwise remain in full force and effect.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 7. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in that regard, and this Ordinance shall take effect 30 days after adoption.

Ordinance No.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, MMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF 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 _____, _____.

(seal)

Ordinance No.

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RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL

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

ALCOHOL CONDITIONS

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

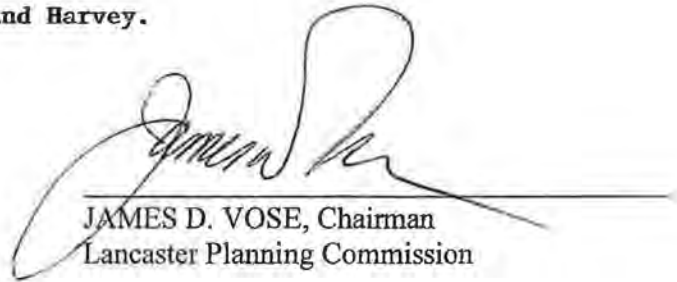
PASSED, APPROVED AND ADOPTED this 17th day of May, 2010, by the following vote:

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

STAFF REPORT

**GENERAL PLAN AMENDMENT NO. 18-03, ZONE CHANGE NO. 18-03,
AND CONDITIONAL USE PERMIT NO. 18-05**

PC ACTION:

APPROVED TO CONTINUE
10/15/18 (5-0-0-0-1)
ABSENT: Cook

DATE: September 17, 2018

TO: Lancaster Planning Commission

FROM: Jocelyn Swain, Principal Planner
Community Development Division, Development Services Department

APPLICANT: General Plan Amendment/Zone Change
Calandri Properties (John/Brandon Calandri)
43511 70th Street East
Lancaster, CA 93535

Conditional Use Permit
Tradecraft Ventures, LLC
701 Palomar Airport Road, Suite 300
Carlsbad, CA 92011

LOCATION: 43511 70th Street East (15 gross acres at the southwest corner of Avenue K and 70th Street East; Assessor's Parcel Number 3386-007-035)

REQUEST: Amendment of the General Plan land use designation from Non-Urban Residential (NU) to Light Industrial (LI); rezoning of the subject site from RR-2.5 (Rural Residential, minimum lot size of 2.5 acres) to Light Industrial (LI); and construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility in the LI zone

RECOMMENDATION: Adopt Resolution No. 18-30 approving Conditional Use Permit No. 18-05 to allow for the construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility, adopting a mitigated negative declaration, and recommending approval of General Plan Amendment No. 18-03 and Zone Change No. 18-03 to the City Council

BACKGROUND

On February 10, 2003, Site Plan Review No. 02-13 was approved to allow for a produce packing and cold storage facility. This facility is currently in operation. The approval of this project did not require a public hearing. There have been no previous hearings before the Planning Commission or the City Council on the subject property.

GENERAL INFORMATION

Table 1 summarizes the general information concerning this project.

TABLE 1

ITEM	DESCRIPTION
APNS	3386-007-035
LOCATION	43511 70 th Street East (approximately 15 acres on the southwest corner of Avenue K and 70 th Street East)
ZONING AND LAND USE	The project site is designated a Non-Urban Residential (NU) and zoned RR-2.5 (Rural Residential, minimum lot size 2.5 acres)
SURROUNDING LAND USES AND ZONING	North: Avenue K followed by Agricultural Uses; RR-2.5 South: Vacant land, single family residence approximately 1,000 feet south; RR-2.5 East: 70 th Street East followed by vacant land; RR-2.5 West: Vacant land, single family residence approximately 800 feet west
CURRENT DEVELOPMENT	The project site is currently developed with a produce packing and cold storage facility.
ENVIRONMENTAL REVIEW	An initial study (SCH # 2018081038) was prepared for the proposed project and circulated for a 30-day public review period in accordance with the California Environmental Quality Act (CEQA). The public review period started on August 15, 2018, and ended on September 14, 2018. Based on this information, staff has determined that a Mitigated Negative Declaration is warranted. Notice of intent to prepare a Mitigated Negative Declaration has been legally advertised. Effective January 1, 1991, applicants whose projects have the potential to result in the loss of fish, wildlife, or habitat through urbanization and/or land use conversion are required to pay

ITEM	DESCRIPTION
	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.

PROJECT DESCRIPTION

The proposed project consists of the construction and operation of a medical cannabis cultivation and manufacturing facility, and would utilize the existing facilities on the property along with constructing an additional building. The proposed project would total approximately 122,871 square feet, and would be developed in three phases.

Phase I

Phase I consists of the renovation of 27,781 square feet of the existing produce packing/cold storage building for the cultivation of medical cannabis. This phase would have grow-rooms, a mother room, a veg room, a dry room, and a trim room. A restroom facility and a utility room would be located within the interior of the grow facility. Immediately connected to the grow facility, but not accessible from the inside of the grow building, is a two-story addition containing offices and a breakroom.

Phase II

Phase II would consist of the construction of an approximately 54,600 greenhouse-type building for the cultivation of medical cannabis. The building is proposed to be constructed out of modular type "greenhouses"; however, per the City's municipal code, the building cannot give the appearance of a cannabis cultivation facility, and, as such, the specific look of the building may change, and would be compatible with the existing facility. The interior to the building would be dedicated almost exclusively to veg and flower space. There would also be two of each of the following: trim rooms, dry room, break rooms with lockers and restrooms, and reservoir room.

Phase III

Phase III would consist of the renovation of the remaining 40,490 square feet of the existing produce packing/cold storage facility. This phase would be predominantly for the cultivation of medical cannabis; however, approximately 1,560 square feet would be dedicated to the manufacturing of medical cannabis products with an extraction room, processing facilities, and office. The remainder of the space would be comprised of flower rooms, veg room, trim room, dry room, mother room, and a break room with lockers and restroom facilities. Also contained within this phase is a trash room, and a room for the storage of pesticide.

Existing Conditions

A recessed truck well and loading dock are located on the south side of the parking lot adjacent to the building. Located along the southern property line is a domestic water tank, fire water storage tank, water well and a trash enclosure. A drainage basin is located at the northeast corner of the property. These existing improvements will remain with implementation of the proposed project. The existing produce packing/cold storage facility (SonRise Farms) will finish out the current contracts and then cease to operate on the project site.

Proposed Improvements

The project site is currently surrounded with a chain link fence. This fence will be replaced with a block wall as required by the municipal code and a wrought iron gate will control access to the project site. Access will be provided from a driveway, which is located off of 70th Street East. This driveway will be paved and lead to an improved parking lot adjacent to the existing building. Landscaping will be provided throughout the parking lot.

ANALYSIS

Cannabis cultivation and manufacturing facilities are only allowed in the industrial zones per Lancaster Municipal Code Section 17.43. The project site is currently designated as NU and zoned RR-2.5, and is developed with produce packing and cold storage facility. As such, the applicant has requested to change the general plan designation from NU to LI. They are also requesting to change the zoning from RR-2.5 to LI in order to allow for the construction and operation of the cannabis cultivation and manufacturing facility described above.

General Plan Consistency/General Plan Amendment Findings

In order to grant a General Plan Amendment (GPA), Section 17.24.140 of the Lancaster Municipal Code states that the Planning Commission must find that such amendment is necessary to implement the General Plan and/or that the public convenience, the general welfare, or good zoning practice justifies such amendment.

The proposed amendment is necessary to implement the General Plan, because the proposed project helps achieve multiple goals, objectives and policies. The proposed project is consistent with the following Goals and Actions of the General Plan:

- | | |
|----------------------|--|
| Policy 3.1.1: | Ensure that development does not adversely affect the groundwater basin. |
| Policy 3.2.1 | Promote the use of water conservation measures in the landscape plans of new developments. |

- Policy 3.3.3:** Minimize air pollutant emissions generated by new and existing development.
- Policy 3.5.1:** Minimize erosion problems resulting from development activities.
- Policy 3.5.3:** Protect lands currently in agricultural production from the negative impacts created when urban and rural land uses exist in close proximity, while recognizing the possibility of their long-term conversion to urban or rural uses.
- Policy 4.5.1:** Ensure that activities within the City of Lancaster transport, use, store and dispose of hazardous materials in a responsible manner, which protects the public health and safety.
- Goal 16:** To promote economic self-sufficiency and a fiscally solvent and financially stable community.
- Objective 16.3:** Foster development patterns, which contributes to, rather than detracts from, net fiscal gains to the City.
- Policy 16.3.1:** Promote development patterns, which will minimize the costs of infrastructure development, public facilities development and municipal service cost delivery.
- Policy 16.3.4:** Promote business development in those industrial sections, which are underrepresented in the Antelope Valley area economy.
- Policy 17.1.6:** Revise the zoning ordinance to conform with the General Plan text and map, and to address changing conditions with new concepts that will allow both flexibility in application, as well as a pleasing and attractive built environment.
- Goal 18:** To manage development by planning the location and intensity of urban and rural uses to create a comprehensive structure.
- Policy 18.1.2:** Encourage development that is compatible with the City's designated rural and non-urban areas.
- Policy 19.2.3:** Encourage the rehabilitation and revitalization of declining development, in a manner consistent with community design and development objectives.

The LI designation is meant to include clean, non-polluting industrial and office uses with support commercial (General Plan Objective 17.1, Table 8-1). The project site is currently developed with

an operating produce packing and cold storage facility. This is an industrial type use which supports the agricultural uses in the immediate vicinity and larger Antelope Valley area. In addition to the agricultural uses in the immediate area, there are two single family residences within approximately 1,000 feet of the project site; the remainder of the area is vacant.

The proposed development would reutilize an existing industrial type facility, which currently supports agricultural uses for the cultivation and manufacturing of medical cannabis. The proposed use would provide additional job opportunities and revenue to the community, while minimizing the impact of new development on natural resources, such as water. Additionally, the proposed development would comply with all existing regulations, and provide a transition between rural uses and more intensive uses.

ZONE CHANGE FINDINGS

In order to grant a Zone Change (ZC), Section 17.24.120 of the Lancaster Municipal Code states that the Planning Commission must make all of the following findings:

1. *That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration.*

Modified conditions warrant a revision in the zoning plan, as the proposed project site is compatible with the existing land uses within the surrounding properties. The project site is currently developed with a produce packing/cold storage facility. This is a light industrial type use, which supports the agricultural uses in the surrounding area. The immediately surrounding property is vacant or used for agricultural production and zoned as RR-2.5. The proposed use would operate similarly to the existing use, and would be compatible with the existing RR-2.5 zone and uses surrounding the project site.

2. *That a need for the proposed zone classification exists within such area or district.*

A need for the proposed zoning classification of LI exists to ensure that the project site is compatible with the surrounding land uses, and to facilitate the reuse of the project site with a medical cannabis cultivation and manufacturing facility. The existing classification for the subject property permits rural residential uses and light agricultural uses. However, the City's municipal code does not allow for cannabis facilities in this zone, and the nature of the existing use is a light industrial use, which specifically supports agricultural uses.

3. *That the particular property under consideration is a proper location for said zone classification within such area or district.*

The subject property under consideration for the zone change is a proper location for the LI zoning classification. The area surrounding this parcel and in the general vicinity is zoned with the RR-2.5 classification, or are located in the unincorporated county area with heavy agricultural zoning designations. While the zoning designation on the project site would change to LI, it is located at the intersection of two major roadways (70th Street East and Avenue K), and is currently developed with a light industrial type-use, which supports agricultural production within the area than with an agricultural or rural residential use.

4. *That 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 practice.*

Placement of the proposed zone at the location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice, because it will make the zoning of the subject parcel consistent with the existing use on the site while remaining compatible with the surrounding land uses. Additionally, implementation of the proposed project would be required to comply with mitigation measures, which would minimize dust from the site, and ensure compliance with regulatory procedures with respect to hazardous materials.

CONDITIONAL USE PERMIT FINDINGS

The proposed project is consistent with the proposed LI zoning designation. The proposed facility would operate within the existing building, and would construct a second building in Phase II. The project complies with all applicable development standards and guidelines. While the existing and the proposed building are in compliance with the LMC, the proposed medical cannabis cultivation facility use requires specific review and approval by the Planning Commission.

Staff has investigated the information submitted with the applications for a conditional use permit and a local license, as required pursuant to Sections 17.13.070.C of the LMC, and has determined that the applicant has submitted all required application components (as set forth in Section 17.43.070.B), and that the proposed facility complies with the requirements of Chapters 17.43 and 5.56 of the LMC, and all other applicable state and local laws and regulations. Prior to commencement of operation of the medical cannabis cultivation facility, City personnel will conduct site inspections to verify that the facility fully complies with the submitted application, all applicable environmental, building, electrical, zoning and fire codes, security requirements, accessibility requirement of the American with Disabilities Act, Chapter 5.56 of the LMC, all other applicable City and state laws and regulations, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the conditional use permit and/or the local license.

The applicant has complied with Section 17.13.070. of the LMC and all requirements pertinent thereto by providing a signed current form of the Cannabis License Agreement. The applicant has been provisionally approved for a local license, in accordance with the requirements set forth in Chapter 5.56 of the LMC, and said license is ready for issuance upon approval of the conditional use permit.

Odor Filtration

The proposed development would have odor control systems to prevent any cannabis odors from being detectable outside of the facility. The air purifying systems would purify all outgoing air using a ventilation system comprised of HVAC ducting, exhaust fans, negative pressure, and carbon filters. The ventilation system will be made up of sealed ducting, filters and exhaust fans. All rooms will be negatively pressurized to further reduce the chance of odors escaping the building. The filtration system will consist of carbon scrubbers and fans with a cubic-feet-per-minute (CFM) rating of 969 CFM. The fans have the dual benefit of cooling the overhead cultivation lamps and pulling air into the exhaust systems, and then pushing it through large Can-Filter brand activated carbon filters. Air that leaves the building is odorless. The filters have a lifespan of one year and will be replaced as needed. This filtration system will be installed in any area where marijuana is stored, processed or cultivated. All medical marijuana will be packaged on site before it can leave the facility. It will be vacuum-sealed in order to contain the odors inside the packaging and then stored in a climate- controlled room that also has an odor control.

Conditions have been added to ensure that there would be no detection of cannabis odor outside of the proposed facility. Additionally, when tenant improvement or building plans are submitted to the City, the proposed odor control would be reviewed to ensure that the odor control systems are adequate.

Security

A detailed security plan was submitted by the applicant, and reviewed by the City's Public Safety Office, and was deemed adequate for the proposed use. A copy of the acceptance memo has been attached to this staff report (Attachment C). The proposed facility would have a block wall surrounding the project site with a controlled access gate located on 70th Street East. The proposed facility would not be open to the public, nor provide public parking. Employee parking and delivery would have access to the parking lot through the controlled gate on 70th Street East.

Separation Distance Requirements/Waiver Request

The City's Medical Cannabis Cultivation Facilities Ordinance, LMC Section 17.43.110, establishes distance requirements between medical cannabis cultivation facilities and uses identified as sensitive uses. These distances are measured from the corner of the cannabis facility to the nearest property line of the sensitive use. A medical cannabis facility shall not be located within 600 feet of a religious assembly, residential use or residentially designated property, a

public park or within 1,000 feet of a public or private school, college or university (exclude trade schools), or a day care.

The project site is not within the separation distance requirements of any of the identified sensitive uses with the exception of residentially designated property. All of the property immediately adjacent to the project site is zoned as RR-2.5, which is a residential zone; however, this property is vacant. Two single-family residences are located in close proximity; one approximately 800 feet west and one approximately 1,000 feet south. As such, the applicant is requesting a waiver from the separation distance requirements.

In order to grant a CUP, Section 17.32.090 of the Lancaster Municipal Code states that the Planning Commission must make all of the following findings:

1. *That the proposed use will not be in substantial conflict with the adopted general plan for the area.*

With the approval of the GPA and ZC, the proposed use would not be in substantial conflict with the adopted general plan for the area, because the proposed project would be in conformance. The proposed use would be consistent with goals, objectives, and policies of the General Plan, and would implement those policies and specific actions associated with the encouragement and development with a variety of uses, providing a transition between rural and urban areas, and providing net fiscal gains to the City.

2. *That the requested use at the location proposed will not:*
 - a. *Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, or*
 - b. *Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or*
 - c. *Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.*

The proposed use would not adversely affect the health, peace and comfort of the residents and workers of the surrounding area, and would not be detrimental to other properties or jeopardize public health and safety. The proposed project would be compatible with the agricultural uses and two residences located in the vicinity of the project site. The remaining property is vacant. The cultivation and manufacturing facility does have the potential to produce medical cannabis plant odors that may be detected from the outside of the facility. To address this concern, Section 17.43.070.b.12 of the LMC requires medical cannabis cultivation facilities to install or provide sufficient odor absorbing ventilation and exhaust system. The proposed project

would provide methods of air control to ensure that odors do not escape. The development would include a concrete block perimeter wall and controlled access gate on 70th Street East, and would not be open to the public. The facility would be located in a secure space with limited access to those employed by the facility, or authorized to enter it. In addition, a security plan was prepared for the project, and the Public Safety Department deemed the plan adequate.

3. *That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.*

The proposed project would comply with the Lancaster Municipal Code, including specific development standards. These include height, lot area, lot width, lot depth, setback and landscaping.

4. *That the proposed site is adequately served:*
 - a. *By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and;*
 - b. *By other public or private service facilities as are required.*

Adequate access to the project site can be provided by Avenue K and 70th Street East. These roadways are of sufficient width, and improved as necessary to carry the anticipated daily vehicle trips such use would generate. Additionally, public utilities and services that are necessary for the construction and operation of the proposed project are available or can be provided.

In order to grant a Cannabis CUP with a Waiver from the Distance Requirements, Section 17.43.110 of the Lancaster Municipal Code states that the Planning Commission must make all of the following findings:

1. *The medical cannabis cultivation facility will serve a specific community need; and*

The proposed cannabis facility would be the eighth such facility within the City limits, and as such would further this emerging type of business. Additionally, the proposed use would generate a revenue stream for the City, which would assist in the enhancement of City services.

2. *The distance waiver approved for the medical cannabis cultivation facility is not expected to result in an adverse effect on adjacent property, uses or residents.*

Approval of the distance waiver for the proposed use is not expected to result in an adverse effect on adjacent properties, uses, or residents. Most of the surrounding property is vacant or developed with agricultural uses. A distance waiver is required, because the adjacent property is zoned for residential uses; however, the closest residence is located approximately 800 feet from the proposed use. All activities associated with the proposed use would be conducted within the buildings in a secure environment. Additionally, the project site would be fenced with a block wall, and access to the site would be through a controlled gate.

LEGAL NOTICE

Notice of Public Hearing was mailed to all property owners within 1,500-foot radius of the project, posted in three places, posted on the subject property, and noticed in the Antelope Valley (AV) Press on August 31, 2018.

RECOMMENDATION

Adopt Resolution No. 18-30 approving Conditional Use Permit No. 18-05 to allow for the construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility, adopting a mitigated negative declaration, and recommending approval of General Plan Amendment No. 18-03 and Zone Change No. 18-03 to the City Council.

Attachments:

Resolution No. 18-30
Draft Ordinance

RESOLUTION NO. 18-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-05 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A 122,871 SQUARE-FOOT MEDICAL CANNABIS CULTIVATION AND MANUFACTURING FACILITY (1,560 SQUARE FEET FOR MANUFACTURING AND 92,852 SQUARE FEET FOR CULTIVATION) LOCATED ON APPROXIMATELY 15 ACRES AT 43511 70TH STREET EAST (APN: 3386-007-035), AND RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 18-03 AND ZONE CHANGE NO. 18-03 TO THE CITY COUNCIL

WHEREAS, a Conditional Use Permit has been requested by Tradecraft Ventures, LLC ("Applicant-CUP"), to allow for the construction and operation of a 122,871 square-foot medical cannabis cultivation and manufacturing facility on 15 acres at 43511 70th Street East (APN: 3386-007-035); and

WHEREAS, pursuant to Section 3.c. of City Council Resolution No. 93-07, Calandri Properties ("Applicant-GPA/ZC") has initiated applications for (a) General Plan Amendment ("GPA") No. 18-03, and (b) Zone Change ("ZC") No. 18-03, to redesignate the subject property (APN 3386-007-035) from Non-Urban Residential (NU) to Light Industrial (LI); and

WHEREAS, pursuant to Section 17.24.040 of the Lancaster Municipal Code ("LMC"), the Applicant-GPA/ZC has requested the Planning Commission consider a change to the zoning designation of the subject property from RR-2.5 (Rural Residential, minimum lot size 2.5 acres) to LI (Light Industrial); and

WHEREAS, an application for the above-described Conditional Use Permit ("CUP"), has been filed pursuant to the regulations contained in Chapters 17.32, of the LMC; and

WHEREAS, a notice of intention to consider the granting of a CUP has been published and provided as required by Chapter 17.32 of the LMC, and Section 65905 of the Government Code; and

WHEREAS, pursuant to Section 17.24.070 of the LMC a notice of intention to consider the GPA No. 18-03 and ZC No. 18-03 was published and provided as required by Chapter 17.36.020.A of the LMC, and Sections 65854 and 65905 of the Government Code; and

WHEREAS, staff has performed the necessary investigations, prepared a written report, and recommended that GPA No. 18-03, ZC No. 18-03, and CUP No. 18-05 be approved, subject to conditions; and

WHEREAS, public notice was published and given as required by law, and a public hearing was held on September 17, 2018; and

WHEREAS, the Planning Commission, desires to recommend that the City Council approve and adopt GPA No. 18-03 and ZC No. 18-03; and

WHEREAS, the Planning Commission after considering all evidence presented, desires to approve Applicant's requested Conditional Use Permit; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. That the foregoing Recitals are true, correct and a substantive part of this Resolution.

Section 2. That the Planning Commission hereby adopts the following General Plan Amendment findings, pursuant to Section 17.24.140 of the LMC, in support of approval of this application:

- a. Information presented at public hearing shows that such amendment is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.

Section 3. That the Planning Commission hereby adopts the following Zone Change findings, pursuant to Section 17.24.120 of the LMC, in support of approval this application:

- a. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- b. That a need for the proposed zone classification exists within such area or district; and
- c. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- d. That 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 practice.

Section 4. That the Planning Commission hereby adopts the following Conditional Use Permit findings, pursuant to Section 17.32.090 of the LMC, in support of approval this application:

- a. That the proposed use will not be in substantial conflict with the adopted general plan for the area.

- b. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- c. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- d. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and
 - 2. By other public or private service facilities as are required.

Section 5. That the Planning Commission hereby adopts the following findings pursuant to Section 17.43.110 of the LMC:

- a. The medical cannabis cultivation facility will serve a specific community need; and
- b. The distance waiver approved for the medical cannabis cultivation facility is not expected to result in an adverse effect on adjacent property, uses, or residents.

Section 6. That the Planning Commission hereby certifies that it has reviewed and considered the information in the Mitigated Negative Declaration prepared for the proposed project in compliance with the California Environmental Quality Act ("CEQA") (including its implementing regulations) prior to taking action. The Planning Commission hereby finds that the Initial Study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case with the implementation of the mitigation measures as detailed in the Mitigated Negative Declaration. The Planning Commission hereby finds, pursuant to Section 21082.1 of the Public Resources Code, that the Mitigated Negative Declaration prepared for the proposed project reflects the independent judgement of the City of Lancaster.

Section 7. That Planning Commission staff is hereby authorized and directed to prepare, execute, and file a Notice of Determination pursuant to CEQA (including its implementing guidelines).

Section 8. That the Planning Commission hereby adopts the Mitigation Monitoring Program included in the Mitigated Negative Declaration.

Section 9. That the Planning Commission hereby approves Conditional Use Permit No. 18-05, subject to the conditions attached hereto and incorporated herein and subject further to the City Council approving GPA No. 18-03 and ZC No. 18-03.

Section 10. That the Planning Commission hereby recommends that the City Council approve GPA No. 18-03 to redesignate the subject property from NU to LI.

Section 11. That the Planning Commission hereby recommends that the City Council approve ZC No. 18-03 to rezone the subject property from RR-2.5 to LI.

Section 12. The Planning Commission staff is authorized and hereby directed to transmit this Resolution to the City Council as required by 65855 of the Government Code.

PASSED, APPROVED and ADOPTED this 17th day of September 2018, by the following vote:

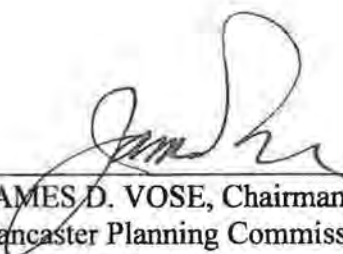
AYES: Vose, Harvey, Moore, Parris and Smith.

NOES: None.

ABSTAIN: None.


RECUSED: None.

ABSENT: Cook.



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



LARISSA DE LA CRUZ, Community Development Manager
City of Lancaster

Attachments:

- A. Conditions List
- B. Mitigation Monitoring Program
- C. Initial Study/Mitigated Negative Declaration

70th Street East

East Avenue K



CUP 18-05 /
GPA 18-03 /
ZC 18-03

ATTACHMENT TO PC RESOLUTION NO. 18-30
CONDITIONAL USE PERMIT NO. 18-05
(GENERAL PLAN AMENDMENT NO. 18-03/ZONE CHANGE NO. 18-03)
CONDITIONS LIST
September 17, 2018

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 shall apply, except Condition Nos. 8, 13 (Modified), 19, 45, 47, 48, and 49.
2. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit, and the use(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding, and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.
3. The applicant shall submit a soils report on the properties of soils as detailed in Chapter 18 of the latest edition of the California Building Code, and as required by the Development Services Department on all building sites.
4. The developer, by agreement with the Development Services Director, may guarantee installation of improvements as determined by the Development Services Director through faithful performance bonds, letters of credit, or any other acceptable means.

GRADING/DRAINAGE

5. Prior to issuance of a grading permit, the applicant shall submit a grading plan consistent with the approved site plan and conditions of approval. The grading plan shall be based on an approved drainage area study and hydrology/hydraulic report, detailed recent topographic survey, and a detailed engineering soils report specifically approved by the geologist and/or soils engineer that addresses all submitted recommendations.
6. Prior to final map approval or grading permit issuance, whichever comes first, the applicant shall obtain approval of the final hydrology/hydraulic study. The final drainage facilities shall be based on the approved hydrology/hydraulic study, and will be designed based on the City of Lancaster Engineering Design Guidelines Policies and Procedures Sections 2.7 and 3, and/or to the satisfaction of the Development Services Director. Any on-site and/or off-site mitigation measures required by the approved hydrology/hydraulic study shall be constructed prior to first occupancy.
7. Prior to first occupancy, the applicant shall construct all drainage improvements required by the City of Lancaster's Master Plan of Drainage Facilities to the satisfaction of the Development Services Director. This shall include but not be limited to a 5 feet by 12 feet reinforced concrete box along Avenue K, and a reinforced concrete pipe(s) along 70th Street East. The hydrology/hydraulic report prepared for the project shall provide calculations demonstrating the proposed improvements will be of sufficient size and capacity to mitigate

and convey interim and ultimate watershed flow from the project site and surrounding off-tributary areas.

8. Prior to building occupancy, all drainage facilities are to be constructed and approved prior to occupancy of any structure within the project to the satisfaction of the Development Services Director. If the project is phased, all drainage facilities required for each phase will be constructed and approved prior to occupancy of any structure within that phase.
9. Prior to first occupancy, the applicant shall design and construct an on-site drainage basin to mitigate the developed runoff volume per an approved hydrology study to the satisfaction of the Development Services Director.
10. Portions of the property may be subject to sheet overflow and ponding. Install any local storm drains necessary to mitigate on-site and off-site drainage to the satisfaction of the Development Services Director.
11. Provide for contributory drainage from adjoining properties, and return drainage to its natural conditions or secure off-site drainage acceptance letters from affected property owners.
12. The Preliminary Grading Plan shows an import/export of 1,200 CY of material to/from the project. Prior to commencing hauling operations for this project, the applicant shall obtain a hauling permit for hauling material within the public right-of-way including the export/receiving site and an exhibit of the proposed haul route. The applicant is responsible to obtain approval from all applicable agencies for the material hauling operation. The designated haul route shall be designed to the requirements of the City of Lancaster Design Guidelines, Standards, and Municipal code and to the satisfaction of the Development Services Director.
 - The applicant shall comply with the following requirements for the material hauling operation:
 - i. The hours of operation shall be approved by the Development Services Director.
 - ii. Provide non-stop street sweeping service on all City streets along the haul route during all hours of work to the satisfaction of the Development Services Director.
 - iii. Provide traffic control and flagging personnel along the haul route to the satisfaction of the Development Services Director.
 - iv. When required by the Development Services Director, the applicant shall post a security to serve as surety of repair in the event facilities within the City right-of-way are adversely impacted by the hauling operations.

- Prior to issuance of certificate of completion and release of security, the applicant shall repair any pavement damaged by the material hauling operation to the satisfaction of the Development Services Director. The security will not be reduced or released or certificate of completion given until the completion of the repair work. The limits of the road repairs shall be consistent with the approved haul route and determined by the Development Services Director.

STREETS

13. Provide letter(s) of slope easement(s) as directed by the Development Services Director.
14. Prior to certificate of occupancy, the applicant shall design and construct street improvements along the frontage of the project site to include pavement, street lights, undergrounding of utilities, etc. The applicant is to reconstruct the street to centerline if the existing pavement section does not meet the Development Services Department required structural section. Additional pavement as required to transition to existing pavement, or as needed to provide additional turn lanes opposing new improvements, shall also be included in street plans.
15. The proposed project shall comply with the City of Lancaster Holiday Moratorium Policy. No excavation or work shall occur within the public right-of-way on Primary Arterials, Secondary Arterials, and Collector Streets between November 15th and January 2nd, except work pertaining to public safety or with the written permission of the City Manager. Work commenced prior to the restriction period must be in such a condition that it will be resurfaced prior to November 15th.

LANDSCAPING

16. The development shall comply with all requirements of Ordinance No. 907 and the State of California Model Water Efficient Landscape Ordinance. The requirements are subject to revision, upon adoption of the City's updated Water Efficient Landscape Ordinance. (Modified No. 8)

PLANNING

17. Prior to certificate of occupancy, the applicant shall indicate which company the applicant shall utilize for their cannabis waste management solutions.
18. Prior to certificate of occupancy, the applicant shall prepare, implement, and make available a written Hazardous Materials Management Plan to include a listing of all hazardous products, chemicals, fertilizers, herbicides, pesticides, lubricants, flammable liquids, bleaches, cleaning supplies, aerosols, etc. that will be stored, or in use, on the site and the related Safety Data Sheets (SDS). The applicant shall ensure the safe and proper storage of chemicals and products, in accordance with all applicable local state and federal laws, including the use of appropriate personal protective equipment when handling hazardous materials. A copy of the Hazardous

Materials Management Plan shall be subject to review and approved by the Development Services Director.

19. Any and all window and security devices such as metal bars, gates, and shutters shall be installed within the interior of the building and screened from the public street to the satisfaction of the Development Services Director.
20. The applicant shall comply with all applicable provisions of the LMC relating to medical cannabis cultivation businesses including, but not limited to, those provisions of Chapters 5.56 and 17.43, as they may be amended from time to time.
21. No minors shall be permitted inside any restricted access areas, including the cultivation portion of the medical cannabis business, under any circumstance.
22. Negative air pressure shall be maintained inside the building.
23. Prior to issuance of any building permit, the City shall receive documentation that the odor filtration system was designed by a mechanical engineer. The odor filtration system plan shall include the engineer's stamp, certifying that it complies with LMC 17.43.070.B.12.
24. Detection of cannabis odor outside of the proposed medical cannabis facility may result in the revocation of the Conditional Use Permit No. 18-05.
25. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
26. The applicant shall store all green waste product within the secured building until waste management pick-up.

BUILDING AND SAFETY

27. Construction drawings for the improvements, alterations, and the change of use shall be submitted to Building and Safety for plan review and building permit issuance. Supporting documents such as structural and energy calculations, and geotechnical reports shall be included in the plan submittal package.
28. Prior to building permit issuance, the applicant shall submit building plans for the proposed Phase II structure(s) in conformance with the California Building Code, as adopted by the City of Lancaster and to the satisfaction of the Building Official. This shall include but not be limited to conforming to Section 306.2 of the Building Code designating the structure as a Group F-1 occupancy.
29. Construction drawings submitted for plan review shall show full compliance with all applicable local, county, state and federal requirements and codes. Plan review will be based

on the following current state building codes: The 2016 California Building (CBC), Mechanical (CMC), Plumbing (CPC), and Electrical (CEC) Codes, the 2017 County of Los Angeles Fire Code, 2016 California Energy Code, and the 2016 California Green Building Standards Code. All code requirements for the new occupancy group(s) shall be shown on the plans.

30. Construction drawings submitted for plan review shall be complete. Submitted plans shall show all Architectural work (including accessibility requirements), along with any Structural, Mechanical, Plumbing, and Electrical work that will be part of the project.
31. Construction drawings shall be prepared by qualified licensed design professionals (California licensed architects and engineers). Incomplete plans or plans prepared by unqualified individuals will delay the plan review and permit process.
32. Submit one complete set of plans in a PDF format. Limit file size to 32mb. If the plans exceed the file limit, separate them into disciplines (Architectural, Structural, MEP).
33. Construction drawings submitted to building and safety shall have a complete Building Code Analysis and floor area justification for the proposed building area and use per chapter 5 and 6 of the California Building Code. The code analysis and justification shall contain the following minimum information: types of construction, occupancy groups, occupant loads, any required area increases from frontage and/or fire sprinklers, height of building, number of stories, summary of any fire rated walls, occupancy separations and all other related data.
34. The submitted site plan to Building and Safety shall show all lot lines, easements, fire separation distances, restricted use areas, etc. Any construction proposed in an easement shall obtain the easement holder's written permission or the easement shall be removed. Parcel lines that overlap any proposed buildings shall be removed (lot line adjustment) prior to building permit issuance.
35. Clean Air, Van Pool, shall be provided within parking areas per the California Green Building Standards Code at the rate indicated in Table 5.106.5.2 (Required for new buildings, additions and alterations that add 10 or more parking spaces)
36. Electric Vehicle parking spaces (including future EV Charging Stations) shall be provided within parking areas per the California Green Building Standards Code at the rate indicated in Table 5.106.5.3.
37. Electric Vehicle Charging Spaces (future EV Charging Stations) shall be provided within parking facilities for new buildings per the California Green Building Standards Code. The submitted plans shall show the size, location and infrastructure of the future EV charging stations. Some EV Charging Stations shall be sized to be accessible and located on an accessible route to the building entrance per CBC sections 11B-228.3 and 11B-812. [For multi-building projects, such EV Charging Stations shall be dispersed based on the parking spaces provided for each building/facility.

38. Bicycle parking shall be shown on the site plan based on 5% of the total vehicle parking spaces per the California Green Building Standards Code.
39. For an estimate of the building permit fees and the estimated time for plan review, please contact the Building and Safety Division directly at 661-723-6144.
40. Prior to submitting plans to Building and Safety for plan review, please contact Gina Armstrong at (661) 723- 6273, for project addressing. This is required when tenant spaces are combined and/or when larger tenant spaces are spilt into small spaces.
41. Prior to issuance of building permits, clearances from the following agencies will be required:
 - i. Lancaster Planning,
 - ii. Lancaster Engineering,
 - iii. Lancaster Utility Services, Fats, Oils, and Grease (FOG)
 - iv. Los Angeles County Fire Prevention Bureau,
 - v. Los Angeles County Environmental Services (Health Dept. for Cannabis Operations),
 - vi. Antelope Valley High School District and appropriate Elementary School Districts (for additions or new buildings),
 - vii. AQMD (Air Quality Management Division)

An agency referral list with contact information is available at the Building and Safety public counter. Please contact the agencies above to determine if there are any plan review requirements and fees to be paid. Clearances from additional agencies may be required and will be determined during the plan review process.

42. A Certificate of Occupancy will be issued for the new use upon completion and final inspection approval of the project.
43. All applicable accessibility (disabled access) requirements of the current California Building Code (Chapter 11B), shall be shown and detailed on the plans. All new work within the scope of this project shall be fully accessible. Areas outside the scope of this project that serves the area of improvement or alteration, shall be upgraded (if needed) to also comply with the current accessibility requirements. Upgrades needed may include items such as a fully accessible parking space, rest rooms, main entrance and a path-of-travel from the public way and accessible parking space to the area of improvement.
44. The plans shall clearly show all areas that are usable by the public, staff and employees to be accessible.
45. An accessible route between all building entrances, the accessible parking spaces (including an EV charging space) and the public sidewalk shall be shown on the plans.

46. Uses on floor levels above and below the ground floor (including mezzanines) are limited to uses that have a reasonable portion of the same use on the ground floor, or an elevator or ramp will be required for disabled access to those levels. (CBC 11B-206.2.3).
47. Projects with a change of use that results in an increased number of occupants; additional lavatories, toilets, urinals, and/or drinking fountain (Hi-Lo design) may be required. The California Plumbing Code (CPC) shall be used to determine the minimum number of plumbing fixtures. (CPC Section 422, Table 422.1, and Table A). The applicant shall provide calculations on the plans to justify the number of plumbing fixtures proposed.
48. Exits shall not pass through a stock room unless separated by an aisle defined by full- or partial-height fixed walls (CBC 1016.2).
49. For projects with new storage or fixture racks over six feet in height, or where High-Pile Storage racks are installed, structural calculations shall be provided with the plan submittal. Structural calculations shall comply with the Rack Manufacturers Institute (RMI) specifications. Drilled-in anchors for rack installations shall have a Statement of Special Inspection on the submitted plans.
50. Projects with a change of use within a portion of the building shall show all adjacent rooms and uses within the building sufficient to determine any required occupancy separations.
51. Any existing construction or uses in the tenant space that are not part of the original building construction or not previously permitted and inspected, shall be shown on the plans as "unpermitted" and will be subject to one of the following:
 - i. If the existing unpermitted construction or use is proposed *to* remain, then those portions shall be considered "New" and shall be part of this project. The unpermitted construction and/or use shall be fully detailed on the plans per the current code and will be subject to 'field inspections.' or
 - ii. If the existing unpermitted construction or use is proposed *not to* remain, then those portions shall be shown on the plans to be removed.
52. The California Plumbing Code (CPC) shall be used to determine the minimum number of plumbing fixtures. (CPC Section 422, Table 422.1, and Table A). Drainage and sewer lines shall have a minimum slope of $\frac{1}{4}$ " per foot, or 2%, to the point of disposal (CPC sec 708.0).
53. After the project receives a final building inspection, a Certificate of Occupancy will be issued. Shell buildings will receive Certificate of Completion with separate Certificate of Occupancies after each tenant improvement is completed.
54. Each separate new detached building or structure, such as, fences, retaining walls, shade structures, will require separate applications and building permits. These other structures need not be on separate plans, but may be part of the same plans of the main project.

55. Separate Demolition Permit will be required to raze any building to be removed on the site. Clearances from AVQMD will be required prior to issuance of demolition permits.
56. These general conditions are based on a review of conceptual plans submitted by the applicant. Additional comments and more detailed building code requirements will be listed during the plan review process when a building permit application and plans are submitted to Building and Safety.

MITIGATION MEASURES

57. Prior to ground disturbance activities, the project operator shall provide evidence to the Development Services Director that the project operator and/or construction manager has developed a "Valley Fever Training Handout", training, and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session materials, handout(s) and schedule shall be submitted to the Development Services Director within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Development Services Director regarding the "Valley Fever Training Handout" and Session(s) shall include the following:
 - a. A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
 - b. Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever.
 - c. Training on methods that may help prevent Valley Fever infection.
 - d. A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Where respirators are required, the equipment shall be readily available, and shall be provided to employees for use during work. Proof that the demonstration is included in the training shall be submitted to the County. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.

The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan that addresses the potential presence of the Coccidioides spore and mitigates for the potential for Coccidioidomycosis (Valley Fever). Prior to issuance of permits, the project operator shall submit the Plan to the Los Angeles County Public Health for review and approval. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities, and to identify appropriate

safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential *Coccidioides* spores. Measures in the Plan shall include the following:

- a. Provide HEP-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Cause contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs, such as turning on air conditioning prior to using the equipment.
- b. Provide communication methods, such as two-way radios, for use in enclosed cabs.
- c. Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with minimum N-95 protection factor for use during worker collocation with surface disturbance activities, as required per the hazard assessment process.
- d. Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
- e. Provide separate, clean eating areas with hand-washing facilities.
- f. Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site.
- g. Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor.
- h. Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever.
- i. Work with a medical professional, in consultation with the Los Angeles County Public Health, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes; what are the common symptoms; what are the options or remedies available should someone be experiencing these symptoms; and where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created and reviewed by the project operator, and reviewed by the Development Services Director. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.

- j. When possible, position workers upwind or crosswind when digging a trench or performing other soil-disturbing tasks.
 - k. Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas will be equipped with handwashing facilities.
 - l. Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory protection.
 - m. Audit and enforce compliance with relevant Cal OSHA health and safety standards on the job site.
58. In the event that complaints are received regarding odors emanating from the facility, the applicant shall install additional odor control technology to the satisfaction of the City of Lancaster.
59. In the event that previously unknown cultural resources are identified during construction, the following requirements shall apply:
- a. If human remains or funerary objects are encountered during any construction activities associated with the proposed project, work within a 100-foot buffer shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.
 - b. In the event that Native American cultural resources are discovered during any construction activities, all work within a 60-foot buffer shall cease and a qualified archaeologist meeting the Secretary of the Interior standards shall be hired to assess the find. The appropriate tribes shall be contacted and provided information, and invited to perform a site visit in conjunction with the archaeologist to provide Tribal input.
 - c. If significant Native American resources are discovered, and avoidance cannot be ensured, a Secretary of the Interior qualified archaeologist shall be retained to develop a cultural resource Treatment Plan, as well as a Discovery and Monitoring Plan. A copy of the draft document shall be provided to the appropriate tribes for review and comment. All in-field investigation, assessment, and/or data recovery pursuant to the Treatment Plan shall be monitored by a Tribal Monitor. Additionally, the applicant and City of Lancaster shall consult with the appropriate tribes on the disposition and treatment of any artifacts, or other cultural materials, encountered during the project.
60. The applicant shall, in good faith, contact the Fernandeno Tataviam Band of Mission Indians to discuss and address concerns associated with the development of the site. A copy of any concerns and the proposed resolution/agreement shall be submitted to the City prior to the issuance of permits.

61. The applicant shall submit a Dust Control Plan to the Antelope Valley Air Quality Management District (AVAQMD) for review and approval in accordance with Rule 403, Fugitive Dust, prior to the issuance of any grading and/or construction permits. This plan shall demonstrate adequate water or dust suppressant application equipment to mitigate all disturbed areas.
62. The applicant shall comply with all existing laws and requirements of the Los Angeles County Fire Department, Cannabis Unit, and CUPA.
63. Construction operations shall not occur between 8:00 p.m. and 7:00 a.m. on weekdays or Saturday, or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.
64. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.
65. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.
66. Material stockpiles and mobile equipment staging, parking and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.
67. The use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.
68. No project-related public address of music system shall be audible at any adjacent receptor.
69. All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.

RESOLUTION NO. 10-23

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

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

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

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

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

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

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

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

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

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

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

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

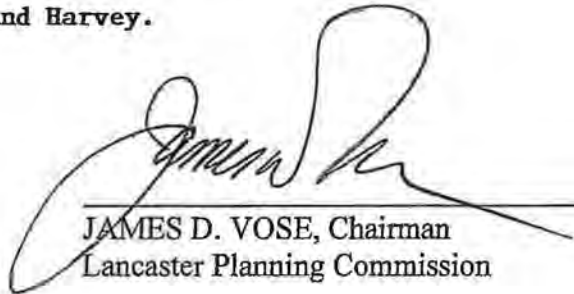
PASSED, APPROVED AND ADOPTED this 17th day of May, 2010, by the following vote:

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

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **Commissioners Burkey and Harvey.**



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
AIR QUALITY							
1.	<p>Prior to ground disturbance activities, the project operator shall provide evidence to the Development Services Director that the project operator and/or construction manager has developed a "Valley Fever Training Handout", training, and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session materials, handout(s) and schedule shall be submitted to the Development Services Director within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Development Services Director regarding the "Valley Fever Training Handout" and Session(s) shall include the following:</p> <ul style="list-style-type: none"> • A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session. • Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever. • Training on methods that may help prevent Valley Fever infection. • A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to 	<p>Prior to the final approval of grading plan, issuance of stockpile or construction permit, or any ground disturbing activities.</p>	<p>Submittal of training materials, sign-in sheets, and LA County Public Health approved plan.</p>	<p>Development Services Department, Community Development Division, and LA County Public Health</p>			

Mit. / Cond. No.	Mitigation Measure/ Conditions of Approval	Monitoring Milestone (Frequency)	Method of Verification	Party Responsible for Monitoring	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Where respirators are required, the equipment shall be readily available and shall be provided to employees for use during work. Proof that the demonstration is included in the training shall be submitted to the county. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.</p> <p>The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan that addresses the potential presence of the Coccidioides spore and mitigates for the potential for Coccidioidomycosis (Valley Fever). Prior to issuance of permits, the project operator shall submit the Plan to the Los Angeles County Public Health for review and approval. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Coccidioides spores. Measures in the Plan shall include the following:</p> <ul style="list-style-type: none"> • Provide HEP-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Cause contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs, such as turning on air conditioning prior to using the 						

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	<p>equipment.</p> <ul style="list-style-type: none"> • Provide communication methods, such as two-way radios, for use in enclosed cabs. • Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with minimum N-95 protection factor for use during worker collocation with surface disturbance activities, as required per the hazard assessment process. • Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144). • Provide separate, clean eating areas with hand-washing facilities. • Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site. • Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor. • Work with a medical professional to develop a protocol to medically evaluate 						

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	<p>employees who develop symptoms of Valley Fever.</p> <ul style="list-style-type: none"> • Work with a medical professional, in consultation with the Los Angeles County Public Health, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created and reviewed by the project operator, and reviewed by the Development Services Director. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries. • When possible, position workers upwind or crosswind when digging a trench or performing other soil-disturbing tasks. • Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas will be equipped with handwashing facilities. • Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory 						

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	<p>protection.</p> <ul style="list-style-type: none"> Audit and enforce compliance with relevant Cal OSHA health and safety standards on the job site. 						
2.	In the event that complaints are received regarding odors emanating from the facility, the applicant shall install additional odor control technology to the satisfaction of the City of Lancaster.	During operation.	Field inspection or receipt of public complaints.	Community Development Division and Building and Safety AVAQMD			

CULTURAL RESOURCES

3.	<p>In the event that previously unknown cultural resources are identified during construction, the following requirements shall apply:</p> <ul style="list-style-type: none"> i. If human remains or funerary objects are encountered during any construction activities associated with the proposed project, work within a 100-foot buffer shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5. ii. In the event that Native American cultural resources are discovered during any construction activities all work within a 60-foot buffer shall cease and a qualified archaeologist meeting the Secretary of the Interior standards shall be hired to assess the find. The appropriate tribes shall be contacted and provided information and invited to perform a site visit in conjunction with the archaeologist to provide Tribal input. 	During construction.	Notification to the City of Lancaster, County Coroner, and/or any affected tribe.	Development Services Department, Community Development Division, County Coroner, and appropriate tribal parties			
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	iii. If significant Native American resources are discovered and avoidance cannot be ensured a Secretary of the Interior qualified archaeologist shall be retained to develop a cultural resource Treatment Plan, as well as a Discovery and Monitoring Plan. A copy of the draft document shall be provided to the appropriate tribes for review and comment. All in field investigation, assessment and/or data recovery pursuant to the Treatment Plan shall be monitored by a Tribal Monitor. Additionally, the applicant and City of Lancaster shall consult with the appropriate tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project.						
4.	The applicant shall in good faith contact the Fernandeno Tataviam Band of Mission Indians to discuss and address concerns associated with the development of the site. A copy of any concerns and the proposed resolution/agreement shall be submitted to the City prior to the issuance of permits.	Prior to final approval of a grading/construction plan, issuance of stockpile or construction permit, or any ground disturbing activities	Submittal of agreement/resolution between developer and any affected tribe	Development Services Department, Community Development Division and appropriate tribal parties			
GEOLOGY AND SOILS							
5.	The applicant shall submit a Dust Control Plan to the Antelope Valley Air Quality Management District (AVAQMD) for review and approval in accordance with Rule 403, Fugitive Dust, prior to the issuance of any grading and/or construction permits. This plan shall demonstrate adequate water or dust suppressant application equipment to mitigate all	Prior to vegetation removal, grubbing, grading, stockpile, or construction, the City shall receive a copy of the Dust Control Plan	A copy of the AVAQMD-approved Dust Control Plan Field Inspections	Development Services Department, Community Development Division and Building and Safety, and the AVAQMD.			

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	disturbed areas.						
HAZARDS AND HAZARDOUS MATERIALS							
6.	The applicant shall comply with all existing laws and requirements of the Los Angeles County Fire Department, Cannabis Unit, and CUPA	During construction and operation.	Plan review and field inspection.	Los Angeles County Fire Department, CUPA			
NOISE							
7.	Construction operations shall not occur between 8 p.m. and 7 a.m. on weekdays or Saturday or at any time on Sunday. The hours of any construction-related activities shall be restricted to periods and days permitted by local ordinance.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
8.	The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
9.	Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
10.	Material stockpiles and mobile equipment staging, parking and maintenance areas shall be located as far away as practicable from noise-sensitive receptors.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
11.	The use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			

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12.	No project-related public address of music system shall be audible at any adjacent receptor.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			
13.	All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise control features that are readily available for the type of equipment.	During construction	Field inspections	Development Services Department, Community Development Division and Building and Safety			



CODE OF CONDUCT AND ETHICS FOR APPOINTED OFFICIALS

Adopted by the Lancaster City Council
Date Approved –

PREAMBLE

All citizens and businesses of Lancaster are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of Lancaster's commitment to excellence, the effective functioning of democratic government, therefore, requires that:

- Public officials both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; and
- Public officials be independent, impartial and fair in their judgment and actions; and
- Public office be used for public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

This Code of Conduct and Ethics, as adopted by the Lancaster City Council, pertains to members of the City's Commissions, Boards and to those vendors doing business with our City, to assure public confidence in the integrity of local government and its effective and fair operation.

1. ACTS IN THE PUBLIC INTEREST

Members of the City's Commissions and Boards will work for the common good of the people of Lancaster and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Lancaster City Council, Commissions and Boards.

2. COMPLY WITH THE LAW

Members of the City's Commissions and Boards shall comply with the laws of the United States of America, the State of California and the City of Lancaster in the performance of their public duties. These laws include but are not limited to: the United States and California codes and constitutions, Fair Political Practices laws and regulations pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of government and adopted City ordinances and policies.

3. CONDUCT OF MEMBERS

The professional and personal conduct of Members of the City's Commissions and Boards must be above reproach and avoid even the appearance of impropriety. These Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, Commissions and Boards, the public at large and City staff.

4. RESPECT FOR PROCESS

Members of the City's Commissions and Boards shall perform their duties in accordance with the processes and rules of order established by the City Council, Commissions and Boards; these processes and rules of order should be implemented in a manner that encourages meaningful involvement of the public and promotes the implementation of policy decisions of the City Council by City staff.

5. CONDUCT OF PUBLIC MEETINGS

Members of the City's Commissions and Boards shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings.

6. DECISIONS BASED ON MERIT

Members of the City's Commissions and Boards shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. COMMUNICATION

Members of the City's Commissions and Boards shall publicly share substantive information that is relevant to a matter under consideration by the City Council, Commissions and Boards, which they may have received from all sources outside of the public decision-making process.

8. CONFLICT OF INTEREST

In order to assure their independence and impartiality on behalf of the common good, Members of the City's Commissions and Boards shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with the applicable laws and regulations, Members of the City's Commissions and Boards shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

9. GIFTS AND FAVORS

Members of the City's Commissions and Boards shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. CONFIDENTIAL INFORMATION

Members of the City's Commissions and Boards shall respect the confidentiality of information concerning property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or private interests.

11. USE OF PUBLIC RESOURCES

Members of the City's Commissions and Boards shall not use public resources unavailable to the public in general such as City staff time, equipment, supplies or facilities, for private gain or personal uses.

12. REPRESENTATION OF PUBLIC INTERESTS

In keeping with their role as stewards of the public interest, Members of the City's Commissions and Boards will work for the common good of the people of Lancaster and they will assure fair and equal treatment of all persons, claims and transactions coming before the Lancaster City Council, Commissions and Boards.

13. ADVOCACY

Members of the City's Commissions and Boards shall represent the official policies or positions of the City Council, Commissions and Boards, to the best of their ability, when designated as delegates for this purpose. When presenting their individual opinions and/or positions, members shall explicitly state they are not representing their body or the City of Lancaster, nor will they allow any inference of such representation.

14. POLICY ROLE OF MEMBERS

Members of the City's Commissions and Boards shall respect and adhere to the Council-Manager structure of Lancaster City government as outlined by the Lancaster Municipal Code. In this structure, the City Council determines the policies of the City, with the advice, information and analysis provided by the public, Commissions, Boards and City staff.

Except as provided by the City Municipal Code, Members of the City's Commissions and Boards shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. INDEPENDENCE OF BOARDS AND COMMISSIONS

Because of the value of the independent advice from Commissions and Boards to the public decision-making process, Members of the City's Commissions and Boards should never leave themselves open to influence from members of the City Council. Likewise, City Council members should refrain from using their position to unduly influence the deliberations or outcomes of Commission and Board proceedings.

16. POSITIVE WORK PLACE ENVIRONMENT

Members of the City's Commissions and Boards shall support the maintenance of a positive and constructive workplace for City employees and for the citizens and the businesses dealing with the City. Members of the City's Commissions and Boards shall recognize their special role in their dealings with City employees to in no way create the perception of inappropriate direction to staff.

17. IMPLEMENTATION

This Lancaster Code of Conduct and Ethics is intended to be self-enforcing and is an expression of standards of conduct for Members of the City's Commissions and Boards expected by the City. It therefore becomes most effective when Members of the City's Commissions and Boards are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for applicants to the City's Commissions and Boards and newly elected and appointed officials. Members of the City's Commissions and Boards entering office shall sign a statement affirming they have read and understand the Lancaster Code of Conduct and Ethics. This Code of Conduct and Ethics shall be reviewed periodically by the Commissions and Boards, and the City Council shall consider recommendations from Commissions and Boards and update as necessary.

18. COMPLIANCE AND ENFORCEMENT

The Mayor, and chairs of Commissions and Boards have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Conduct and Ethics are brought to their attention. The City Council may impose sanctions on Members whose conduct does not comply with the City's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment or budget restriction. Under the City's Municipal Code, the City Council may also remove Members of Commissions and Boards from office. A violation of this Code of Conduct and Ethics shall not be a basis for challenging the validity of a Council, Commission or Board decision.



**CODE OF CONDUCT AND ETHICS
FOR APPOINTED OFFICIALS**

STATEMENT OF COMMITMENT

As a member of a Lancaster appointed Commission or Board, I have reviewed and agree to uphold the Code of Conduct and Ethics for appointed officials adopted by the Lancaster City Council and conduct myself by the following model of behavior.

I will:

- Recognize the worth of individual members and appreciate their individual talents, perspective and contributions.
- Help create an atmosphere of respect and civility where individual members, city staff and the public are free to express their ideas and work to their full potential.
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others.
- Respect the dignity and privacy of individuals and organizations.
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.
- Avoid and discourage conduct which is divisive or harmful to the best interest of Lancaster.
- Treat all people with whom I come in contact in the way I wish to be treated.
- Before I speak or act, I will ask myself the following questions:
 - Is it the truth?
 - Is it fair to all concerned?
 - Will it build goodwill and better the community?

I affirm that I have read and that I understand, accept and support the City of Lancaster Code of Conduct and Ethics.

Board or Commission: _____

Position: _____ **Date:** _____

Print Name: _____

Signature: _____