

ATTACHMENT TO PC RESOLUTION NO. 20-11
CONDITIONAL USE PERMIT NO. 17-19
CONDITIONS LIST
June 15, 2020

GENERAL CONDITIONS

1. Unless otherwise indicated herein, the development and/or of the site shall be in substantial conformance with approved site plans on file in the Community Development Division.
2. This Conditional Use Permit must be used within two (2) years from the date of approval; otherwise 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 Community Development Manager. 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 Community Development Manager.

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. For the sale of alcohol within an existing building, the City generally requires that a license has been issued by the State of California Alcoholic Beverage Control to constitute “use” of the conditional use permit.

3. 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 Community Development Division an authorized acceptance of the conditions of approval applicable to said permit.
4. Expansion or intensification of the use beyond the approval specified herein would require subsequent review and possible application for amendment. The Community Development Manager 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.
5. All requirements of the Municipal Code and the specific zoning of the subject property must be complied with unless otherwise set forth in the permit or shown on the approved site plan.

6. The subdivider/applicant shall defend, indemnify, and hold harmless the City and its elected officials, officers, employees and representatives from any claim, action, or proceeding against the City or its elected officials, officers, employees and representatives to attack, set aside, void, or annul, an approval of the City concerning this subdivision, which action is brought within the time period provided for in Section 66499.37 of the Subdivision Map Act, or 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 subdivider of any claim, action, or proceeding and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the subdivider or fails to cooperate fully in the defense.
7. The applicant shall contact the Los Angeles County Fire Department to determine the improvements that may be required to protect the property from fire hazards and shall provide and install at his expense such improvements as may be deemed necessary by the Los Angeles County Fire Department. Fire protection improvements shall be completed to the satisfaction of the Development Services Director prior to certification of completion and occupancy of the subject buildings.
8. The following items/plans shall be submitted to the Development Services Department, which shall route them to the Community Development Division for concurrent review and approval prior to issuance of permits:
 - a. Lighting Plan
 - b. Building Plan
 - c. Grading Plan
 - d. Landscape Plan
 - e. Trash Enclosure Plan
9. All necessary permits shall be obtained from the Development Services Department prior to any construction, remodeling, or replacement of buildings or other structures.
10. Prior to building permit issuance, the applicant shall pay all applicable development fees including, but not limited to, the following: 1) Los Angeles County Sanitation District Sewer Connection Fee; 2) Interim School Facilities Financing Fee; 3) Traffic Signal Fee; 4) Planned Local Drainage Facilities fee; 5) Dwelling Unit Fee; 6) Traffic Impact Fees; 7) Urban Structure Program Fee (Park Development Fee, Administrative Office Fee, Corporate Yard Fee, and Operations Impact Fee, etc.); and 8) Landscape Fee.
11. 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.
12. 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 within the time period set forth in the notice.
13. Prior to building/grading permit issuance, whichever comes first, the applicant shall submit a geotechnical report as detailed in Chapter 18 of the latest edition of the California Building Code and as required by the Development Services Department. The geotechnical report shall be completed in accordance with the County of Los Angeles, Department of Public Work, Manual for Preparation of Geotechnical Reports.
 14. All construction and/or installation of improvements shall be undertaken to the specification of the Lancaster Municipal Code.
 15. Prior to occupancy of any buildings or structures, the permittee shall request, no less than forty-eight (48) hours in advance, that on-site inspection be made by the Community Development Division to verify that development of the property has occurred in conformity with conditions as enumerated in this permit.
 16. The applicant shall be responsible for notifying the Community Development Division in writing of any change in ownership, designation of a new engineer, or change in the status of the developer, within thirty (30) days of said change.
 17. An encroachment permit shall be obtained from the Development Services Department prior to doing any work within the public right-of-way.
 18. Prior to permit issuance, the applicant 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 acceptable to the Development Services Director, Finance Director, and/or City Attorney.

FEES, ASSESSMENTS, AND ANNEXATIONS

19. Prior to recordation of the final map and/or building occupancy, the property shall be annexed into the Lancaster Lighting Maintenance District.
20. Prior to final map recordation and/or building occupancy, the property shall be annexed into the Lancaster Drainage Maintenance District.
21. The applicant is hereby advised that this project is subject to 1st year's assessment fees for the following maintenance districts, as applicable, prior to issuance of related permits (grading, building, sewer, etc.): 1) Lancaster Drainage Maintenance District, 2) Lancaster Lighting Maintenance District, 3) Lancaster Landscape Maintenance District, and 4) Lancaster Sewer Maintenance District.

STREETS

22. Prior to issuance of building permits, the applicant shall dedicate sidewalk easements sufficient to encompass ADA requirements for sidewalks installed with drive approaches.
23. Prior to occupancy, the applicant shall design and construct City owned and maintained street lighting systems (LS-2 rate schedule). The Developer's engineer shall prepare all plans necessary to build said street lighting system in accordance with Southern California Edison and City of Lancaster standards.
24. Prior to building occupancy, the applicant shall repair or replace any broken, damaged, and/or non-ADA compliant pavement, curb, gutter, and sidewalk on streets within or abutting the project to street centerline to the satisfaction of the Development Services Director.
25. The applicant shall comply with the City Municipal Code, Chapter 13.20, Article II, entitled Installation/Relocation for New/Expanded Development of Overhead Utilities as directed by the Development Services Director. (Ordinance No. 361)
26. 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.

TRAFFIC

27. Prior to issuance of the street improvement encroachment permit, the applicant shall show on the street plan drive approaches using a modified commercial driveway design (SPPWC 110-1, Type C or equivalent) with a minimum radius of 15 feet and that will provide a street/drive approach transition with a maximum algebraic grade difference of 10%. Construction details shall be shown on the street plan providing a transition to greater than this maximum.
28. Prior to building occupancy, the applicant shall construct the following street improvements within/along the frontage of the project site consistent with the approved site plan, as directed by the City Engineer:

Street Name	Curb & Gutter	Base & Paving	Street Lights	Street Trees	Sidewalk (5' min)	Landscaped Median	Class II Bike Lanes	LMD Easement
Avenue I			X					
20 th Street West			X					

29. Prior to issuance of building permits, the applicant shall dedicate a corner cutoff in the northwest corner of 20th Street West and Avenue I.
30. Prior to building occupancy, the applicant shall install conduit, pull rope, and pull boxes along regional, primary and secondary arterials to the nearest arterial intersection to be used for future Traffic Signal Communication Interconnect. The interconnect system shall be installed in accordance with the specifications approved by the Traffic Section, to the satisfaction of the City Engineer.
31. Prior to issuance of building permits, the applicant shall dedicate the right to restrict direct vehicular ingress and egress on all streets having a projected volume of 2,000 vehicle trips each day and within 100 feet of any secondary or primary arterial, on the Tract Map or by separate document.

DRAINAGE/GRADING

32. Provide for contributory drainage from adjoining properties and return drainage to its natural condition or secure off-site drainage acceptance letters from affected property owners.
33. 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 detailing engineering soils report specifically approved by the geologist and/or soils engineer that addresses all submitted recommendations.
34. Prior to grading permit issuance, 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.
35. 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.
36. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES permit requirements.

37. Prior to building occupancy, install BMPs including 1) BMPs to treat first flush and 2) a dead end sump for the fueling station area. Isolate fueling pad area from the on-site drainage using cross-gutters and/or berms as required by CASQA.
38. Prior to issuance of any construction related permits (grading, building, etc.), 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 the Development Services Department for residential projects of 10 acres and larger and for commercial/industrial projects of 5 acres and larger. In lieu of an approved plan, a letter from the AVAQMD waiving this requirement shall be submitted.
39. Prior to commencing hauling operations for this project, the applicant shall obtain a hauling permit for an import/export of >100 CY of hauling material to/from the project 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.
 - a. The applicant shall comply with the following requirements for the material hauling operation:
 1. The hours of operation shall be approved by the Development Services Director.
 2. 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.
 3. Provide traffic control and flagging personnel along the haul route to the satisfaction of the Development Services Director.
 4. 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.
 - b. Prior to building occupancy 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 building occupancy 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.

SEWER

40. Prior to issuance of a sewer permit, the applicant shall submit a sewer plan consistent with the approved site plan and conditions of approval. The sewer plan shall be based on an approved Sewer Area Study.
41. Prior to sewer plan/lateral connection approval, and/or sewer encroachment permit issuance, whichever comes first, the applicant shall obtain approval of the final sewer area study. The final sewer facilities shall be based on the approved sewer area study and will be designed based on the City of Lancaster Engineering Design Guidelines Policies and Procedures Section 2.4, and/or to the satisfaction of the Development Services Director. Any on-site and/or off-site mitigation measures required by the approved sewer area study shall be constructed prior to first occupancy.
42. Prior to building occupancy, approval of this site plan is contingent upon the installation and dedication of local main line sewers and separate laterals to serve each structure at such time as the permanent structures are constructed on the site.

WATER

43. The project shall be served by adequately sized water system facilities, including fire hydrants, of sufficient size to accommodate the total domestic and fire flows required for the land division. Domestic flows required are to be determined by the Development Services Director. Fire flows required are to be determined by the Fire Chief.
44. There shall also be filed with this project a statement from the water purveyor indicating that water service shall be provided to each lot and that the proposed water mains and any other required facilities will be operated by the purveyor and that under normal operating conditions the system will meet requirements for the land division.
45. Per the direction of the Community Development Manager and the Development Services Director, the applicant shall be required to comply with all ordinances in effect at the time of project construction to address the balance of water supply to water demand.
46. In order to obtain a conditional will-serve letter, the project applicant must secure permanent water supply entitlements sufficient to meet the project's annual water demands as determined by the Los Angeles County Waterworks District 40 (District). This entitlement may be secured through entering an agreement with the District to purchase new State Water Project Table A or other permanent water supply through the Antelope Valley – East Kern Water Agency.

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

PLANNING

48. Landscape materials, once approved, shall be maintained in perpetuity.
49. Three (3) copies of a signage plan shall be submitted for approval by the Community Development 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.
50. The applicant is hereby advised that the use of any signs, strings of pennants, banners or streamers, clusters of flags and similar attention-getting devices are prohibited, except where there has been prior written approval from the Community Development Division.
51. All buildings constructed as a result of project approval shall comply with the City of Lancaster's Architectural and Design Guidelines. All changes in elevations are subject to approval by the Architectural and Design Commission.

ALCOHOL

52. The applicant shall comply with Chapter 17.42 and Section 17.42.080 (Conditions of Approval for Off-Sale Alcoholic Beverages Establishments) except where specifically modified by this conditional use permit.
53. The sale of alcoholic beverages shall be limited to the hours of 6 a.m. to 11 p.m., Monday through Sunday.
54. On-site security shall be provided if determined necessary by the Community Development Manager.
55. The conditional use permit shall be subject to semi- and/or annual review by the Planning Commission should on-site operations or effects on adjacent uses warrant such review.

56. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment, and be presented to City of Lancaster or Los Angeles County Sheriff's personnel upon request.
57. There shall be no sale or rental of any adult magazines, videos, tapes, disc, film or any other harmful matter as described in Penal Code Section 313.
58. Signs shall be posted with current language of the Penal Code, Business and Professional Code, and Lancaster Municipal Code, regarding the prohibition of loitering, open containers, and consumption of alcoholic beverages at the premises.
59. All alcoholic and non-alcoholic beverages available for public purchase shall be displayed in separate locations.
60. No malt beverage products shall be sold, regardless of individual container size, in quantities of less than six per sale, except in manufacturer pre-packaged 4-packs.
61. No sale of any individual container cans or bottles of beer shall be allowed, except that the applicant may establish a system in which no less than 6 individual containers, not less than 12 ounces in size, may be combined for a single sales transaction.
62. Wine shall not be sold in containers less than 750 milliliters, and wine coolers must be sold in manufacturers pre-packaged multi-unit quantities.

ENVIRONMENTAL

63. 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 comment. 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 a specified radius of the project boundaries as determined by the Development Services Director. The radius shall not exceed three miles and is dependent upon the location of the project site.
- 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.