

**ATTACHMENT TO PC RESOLUTION NO. 22-33  
TENTATIVE TRACT MAP NO. 53642  
CONDITIONAL USE PERMIT NO. 22-08  
CONDITIONS LIST  
December 12, 2022**

**GENERAL**

1. Unless otherwise indicated herein, the development of the site shall be in substantial conformance with approved site plans on file in the Community Development Division.
2. The approval of this tentative map shall expire 24 months from the date of conditional approval. The subdivider may file for three one-year extensions of the conditionally approved map prior to the date of expiration. If such extension is requested, it must be filed no later than 60 days prior to expiration.
3. 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.

4. Comply with all requirements of the Municipal Code and of the specific zoning of the subject property.
5. The subdivider/applicant shall defend, indemnify, and hold harmless the City, 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 site plan review 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.

6. 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.
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 their 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 indicated in the notice.
13. All construction and/or installation of improvements shall be undertaken to the specification of the Lancaster Municipal Code.
14. 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 Works, Manual for Preparation of Geotechnical Reports.

15. If the map is to be recorded in phases, the subdivider shall submit a phasing plan and phasing condition/mitigation measure matrix to the Community Development Division for approval thirty (30) days prior to filing the final map of the first phase.
16. The applicant is advised that details shown on the tentative map are not necessarily approved. Any details which are inconsistent with requirements of ordinances, general conditions of approval, or City policies must be specifically approved by the City in writing.
17. 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.
18. If the project is developed in phases, all the development requirements shall be met for each phase including parking, landscaping, trash enclosures, drainage, etc. The developer shall provide a phasing plan and phasing condition/mitigation measure matrix to the Community Development Division for approval prior to the issuance of construction-related permits.
19. 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.
20. 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.
21. 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.
22. Prior to occupancy of any model homes, the applicant shall provide adequate off-street parking and complete adjoining street improvements.
23. The first check of the final map shall be submitted at least 180 days prior to the expiration date of the tentative map.
24. 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.

25. All construction and/or installation of improvements shall be undertaken to the specification of the Lancaster Municipal Code.
26. An encroachment permit shall be obtained from the Development Services Department prior to doing any work within the public right-of-way.
27. Prior to final map recordation, the subdivider shall be required to install distribution lines and individual service lines for appropriate cable television systems to each parcel in the subdivision.
28. 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.
29. Provide at least 40 feet of frontage at the property line and approximately radial lot lines for all lots fronting on the cul-de-sacs or knuckles.

#### **FEES, ASSESSMENTS, AND ANNEXATIONS**

30. Prior to recordation of the final map and/or building occupancy, the property shall be annexed into the Lancaster Drainage Maintenance District.
31. Prior to recordation of the final map and/or building occupancy, the property shall be annexed into the Lancaster Lighting Maintenance District.
32. Prior to recordation of the final map and/or building occupancy, the property shall be annexed into the Lancaster Landscape Maintenance District.
33. The applicant is hereby advised that this project is subject to 1<sup>st</sup> 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 Sewer Maintenance District, and 4) Lancaster Landscape Maintenance District.

#### **STREETS**

34. Provide letter(s) of slope easement(s) as directed by the Development Services Director.
35. 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.

36. The applicant shall comply with 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)
37. 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 IMPROVEMENT PLANS**

38. Prior to issuance of the street improvement encroachment permit, the applicant shall obtain approval of a signing and striping plan. The signing and striping plan shall be completed in accordance with all City of Lancaster standards, as directed by the City Engineer.
39. Prior to issuance of the street improvement encroachment permit, the applicant shall obtain approval of temporary traffic control plan and allowable working hours, as directed by the City Engineer.

#### **STREET RIGHT-OF-WAY**

40. Prior to Tract Map approval, the applicant shall dedicate additional street right-of-way for a total of 60 feet from centerline on 60<sup>th</sup> Street West fronting the project site, as directed by the City Engineer.
41. Prior to Tract Map approval, the applicant shall dedicate additional street right-of-way for a total of 42 feet from centerline on Avenue K-8 fronting the project site, as directed by the City Engineer.
42. Prior to Tract Map approval, the applicant shall dedicate additional street right-of-way for a total of 30 feet from centerline on Avenue K-4 fronting the project site, as directed by the City Engineer.
43. Prior to issuance of building permits/Tract Map approval, the applicant shall dedicate a corner cutoff at all intersections, as defined by the City of Lancaster Engineering Design Guidelines (Sections 2.2.10.6.1 and 2.2.10.6.2).

## STREET IMPROVEMENTS

44. Prior to building occupancy, the applicant shall construct the following street improvements within/along the frontage of the project site, as directed by the City Engineer:

Street Name	Curb & Gutter	Base & Paving	Street Lights	Street Trees	Sidewalk (5'min)	Landscaped Median	Curb-Delineated Median	Class II Bike Lanes	LMD Easement
60 <sup>th</sup> Street West	X	X	X	X	X			X	X
Avenue K-4	X	X	X	X	X				
Avenue K-8	X	X	X	X	X			X	X

45. The following private streets shall be constructed to private street standards:

- All internal streets.

46. The applicant shall install bike lanes along the west side of 60<sup>th</sup> Street West from Avenue K to Avenue K-8. Applicant shall also install a bike lane along the north side of Avenue K-8 from 60<sup>th</sup> Street West to 57<sup>th</sup> Street West.
47. Prior to building occupancy, the applicant shall construct additional pavement as required to transition to the existing pavement in accordance with City of Lancaster Engineering Design Guidelines (Section 2.2.10.24), to the satisfaction of the City Engineer.
48. 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.
49. Prior to occupancy, the applicant shall design and construct City owned and maintained street lighting systems. The street lighting system shall be designed using a LS-3 rate schedule unless the new lights can be connected to an existing LS-2 rate schedule system **and** Southern California Edison will not require the installation of a pedestal. 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.
50. Prior to issuance of Tract Map approval, the applicant shall dedicate a total of 10' along 60<sup>th</sup> Street West and 4' along Avenue K-8 as a Landscape Maintenance District easement.

### **DRIVEWAY REQUIREMENTS**

51. 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 vehicles trips each day and within 100 feet of any secondary or primary arterial, on the Tract Map or by separate document.

### **INTERSECTION IMPROVEMENTS**

52. Prior to building occupancy, the applicant shall provide and install street name signs, as directed by the City Engineer.
53. Prior to building occupancy, the applicant shall design and construct ADA-compliant curb ramps at the following locations, to the satisfaction of the City Engineer:
  - Southeast corner of 60<sup>th</sup> Street West and Avenue K-4
  - Northeast corner of 60<sup>th</sup> Street West and Avenue K-8
  - Southwest and southeast corner of Avenue K-4 and Street “I”
  - Northwest and northeast corner of Avenue K-8 and Street “J”

The curb ramp(s) shall comply with the requirements of Title II of the American with Disabilities Act (ADA) relating to curb ramps and pedestrian crossings.

### **FEE REQUIREMENTS**

54. Prior to site plan approval, the applicant shall pay all required Local Transportation Assessment review fees as outlined in the City’s most current Fee Schedule.
55. Prior to building permit issuance, the applicant shall pay traffic impact fees adopted by City Council Ordinance 850 and Resolution 06-163 to be used for the improvement of off-site streets within the unincorporated areas of Los Angeles County. This fee applies to any project within the boundaries of Avenue J-8 to Avenue L-8 and 40<sup>th</sup> Street West to 100<sup>th</sup> Street West. The amount of this fee is outlined in the City’s most current Fee Schedule.

### **DRAINAGE/GRADING**

56. Prior to finale map approval, grading permit issuance, and/or storm drain permit issuance, the applicant shall acquire and dedicate all required easements for drainage improvements as identified in the final hydrology/hydraulic report on the Tract Map or by separate instrument. All right-of-way dedications will be to the satisfaction of the City Engineer.
57. 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.

58. 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.
59. 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.
60. Prior to first occupancy, the applicant shall construct all drainage improvements required by the City of Lancaster's Master Plan of Drainage Facilities (MPDF) when warranted by upstream development and/or if identified as "critical" by the Master Plan of Drainage or City Engineer to the satisfaction of the Development Services Director. This may include but not be limited to a 120-inch reinforced concrete pipe(s) in 60<sup>th</sup> Street West. 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-site tributary areas. The hydrology/hydraulic report shall also include analyses to determine if and when the MPDF will be warranted and identify any interim MPDF and/or local improvements required with the project. The applicant is hereby advised that this project is subject to Planned Local Drainage Facilities Fees at the time of building permit issuance as part of their fair share of future costs. If ultimate MPDFs are warranted at the time of development, the applicant may enter into a reimbursement agreement with the City and be credited fees per the City's Drainage Reimbursement Policy.
61. Prior to building occupancy, all drainage facilities and streets with secondary overflow are to be constructed and approved prior to occupancy of any structure within the project to the satisfaction of the Development Services Director.
62. Prior to first occupancy, the applicant shall design and construct an on-site drainage basin or underground retention or other approved drainage solution as warranted to mitigate the developed runoff per an approved hydrology study to the satisfaction of the Development Services Director.
63. Prior to final map approval or grading permit issuance, the streets shall be designed to avoid creating sump conditions to the satisfaction of the Development Services Director. If a sump condition is unavoidable, design streets so that secondary overflow is through the streets and, as needed, design and install redundant drainage systems (i.e., additional



storm drain line and catch basin systems). Secondary overland overflow shall not be allowed through lot easements. Secondary overland overflow shall be allowed through fee title dedicated drainage paths, paseos or other pedestrian walkways and passageways.

64. The project shall comply with the Best Management Practices (BMPs) of the National Pollutant Discharge Elimination System (NPDES) and all NPDES Permit Requirements.
65. Prior to building occupancy, install BMPs to treat first flush.
66. 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.
67. 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:
    - 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.
  - b. Prior to building occupancy/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**

68. Prior to final map approval, sewer plan/lateral connection approval, and/or sewer permit issuance, the applicant shall acquire and dedicate all required easements for sewer improvements as identified in the final sewer area study report on the Tract Map or by separate instrument. All right-of-way dedications will be to the satisfaction of the City Engineer.
69. Prior to issuance of a sewer plan/lateral connection approval, and/or sewer encroachment permit issuance, the applicant shall submit a public sewer plan consistent with the approved site plan and conditions of approval. The sewer plan shall be based on an approved Sewer Area Study.
70. Prior to sewer plan/lateral connection approval and/or sewer encroachment permit issuance, the applicant shall submit a private sewer plan for private sewer to public standard, minimum grades of sewer main to be per Section 2.4.9.4 of the Engineering Design Guidelines, consistent with the approved site plan and conditions of approval. The sewer plan shall be based on an approved Sewer Area Study.
71. Prior to final map approval, 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.
72. Per the direction of the Development Services Director, provide a sewer area study prior to submittal of the final map.
73. Prior to building occupancy, approval of this project is contingent upon the installation of local main line sewers and separate laterals to serve each structure at such time as the permanent structures are constructed on the site.
74. Prior to sewer plan approval, the streets shall be designed to avoid creating sump conditions to the satisfaction of the Development Services Director. Local main line sewers shall not be allowed through lot easements. Local main line sewers shall be allowed through fee title dedicated drainage paths, paseos or other pedestrian walkways and passageways.

## **WATER**

75. 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.

76. 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.
77. 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.
78. 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 Landale Mutual Water Company (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.
79. In addition to the condition above, the District may require that: (1) various charges/fees be paid by the owner/developer of the property; (2) on-site and off-site water system facilities be installed by a State licensed contractor retained by the owner/developer, and inspected and accepted by the District, using plans prepared by a licensed engineer that are reviewed by the District; or (3) a combination of (1) and (2). Once constructed to the satisfaction of the District, the water system facilities are to be dedicated gratis to the District for subsequent operation and maintenance.

### **COMMUNITY DEVELOPMENT**

80. 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.
81. Prior to issuance of grading permits, the applicant shall receive approval from the Los Angeles County Fire Department.
82. Elevations and architectural details of the future buildings are subject to review and approval by the City of Lancaster Community Development Division to ensure that they are compatible with the established architectural design guidelines. This includes, but is 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.
83. All elevations and floor plans for residential subdivisions shall be subject to approval by the City of Lancaster Community Development Division.

### **LANDSCAPING**

84. Prior to landscape encroachment permit, landscape plans shall be prepared in accordance with Ordinance No. 1070 and submitted to the Development Engineering Section of

Development Services 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.

85. Prior to Tract Map approval, the applicant shall dedicate landscape easements fronting the project site, as directed by the City Engineer.
86. Prior to building occupancy, provide landscape easement and maintenance district along primary and secondary arterials, in accordance with City policy. The irrigation system, landscape plan, and plant materials are subject to approval by the Development Services Director. The construction materials, color, and design of the decorative (i.e., slump stone, split faced with brick pilasters, and decorative brick cap) masonry wall abutting the landscape maintenance district and entry street is subject to approval of the Community Development Manager. The irrigation and plant materials shall be installed and completed to the satisfaction of the Development Services Director prior to occupancy of any residence within the development.
87. Prior to building occupancy, the developer shall install a “purple pipe” irrigation system in all landscape maintenance districts to provide for future connection to a recycled water system to the satisfaction of the Development Services Director.
88. Once installed, all landscaping shall remain in perpetuity.

#### **OTHER**

89. The applicant shall 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. Payment of said fee shall occur prior to Final Map for Parcel/Tract Maps and prior to or concurrent with the approval of a grading permit for all other projects. Additionally, should the applicant be required to pay mitigation fees under the California Department of Fish and Wildlife, these fees can be deducted from the amount collected by the City of Lancaster.
90. Prior to first issuance of building permit and final map approval, the applicant shall record a covenant for easement and/or a reciprocal access easement and maintenance agreement for all shared driveways and drive aisles, private drainage devices, and common landscaping maintenance areas, within the project site and along the project frontage as directed by the Development Services Director. This condition may be satisfied by incorporating the appropriate provisions into the CC&Rs.
91. Prior to final map approval, the applicant is required to grant public utility easements shown on the Tract Map and/or listed in conditions by separate document. The easements shall be reviewed and approved by the Development Services Director.

92. Prior to final map approval, the applicant shall dedicate to the City the right to prohibit the erection of building(s) and other structures within open space/common lots.
93. Prior to first issuance of building permit and final map approval, the applicant shall obtain approval from the Development Services Director and the City Attorney for Covenants, Conditions, and Restrictions (CC&Rs) for this development. The applicant shall reimburse the City for the City Attorney's review fee. The CC&Rs shall grant the City the authority to review and approve/disapprove amendments (including dissolution) of the CC&Rs/association. The CC&Rs shall grant the City the right (although not the obligation) to enforce the CC&Rs (at a minimum those provisions related to City-required items).
94. Prior to first issuance of building permit, the applicant shall establish a Property/Home Owners' Association (POA/HOA), or similar entity, to ensure the continued maintenance of all shared/common lots, including the park, private drainage devices, all shared driveways and drive aisles, and common landscaping maintenance areas.
95. Prior to final map submittal, applicant shall perform a new detailed boundary survey in the surrounding quarter section showing current monumentation and measurements affecting the subject property.

#### **ENVIRONMENTAL/MITIGATION MEASURES**

96. 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.

97. The applicant shall retain a qualified biologist who shall conduct burrowing owl protocol surveys on the project site in accordance with the procedures established by the California Department of Fish and Wildlife in the Staff Report on Burrowing Owl Mitigation prior to the issuance of any construction related permits. If burrowing owls are identified during the surveys, the applicant shall contact the California Department of Fish and Wildlife (CDFW) to develop appropriate mitigation/management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to issuing construction permits. The applicant shall implement all measures identified in the Burrowing Owl Mitigation Plan.

At a minimum, the following shall occur:

- If burrowing owls are identified during the non-nesting season, a qualified biologist shall install one-way gates to relocate the owl to a suitable nearby property. Upon confirmation that the burrow is empty, the burrow shall be collapsed.
- In the event that a breeding pair or female owl with offspring are present at the burrow, a buffer zone of at least 50 feet shall be established around the burrow until the offspring have fledged and left the burrow. No work shall occur within the buffer zone. The specific buffer zone shall be established in coordination with CDFW.

98. A nesting bird survey shall be conducted by a qualified biologist within 30 days prior to the start of construction/ground disturbing activities. If active bird nests are identified during the survey, the applicant shall contact the California Department of Fish and Wildlife to determine the appropriate mitigation/management requirements. Impacts to nesting birds will be avoided by delay of work or establishing a buffer of 500 feet around active raptor nests and 50 feet around other migratory bird species.

99. The applicant shall retain a professional Native American monitor procured by the Fernandeno Tataviam Band of Mission Indians (FTBMI) to observe all clearing, grubbing, and grading operations within the proposed impact areas. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease within 60 feet of discovery to assess and document potential finds in real time. One monitor will be required on-site for all ground-disturbing activities in areas designated through additional consultation. However, if ground-disturbing activities occur in more than one of the designated monitoring areas at the same time, then the parties can mutually agree to an additional monitor, to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage.
100. The Lead Agency and/or applicant shall in good faith, consult with the FTBMI on the disposition and treatment of any Tribal Cultural Resources encountered during all ground activities.
101. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the FTBMI and Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
102. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the FTBMI and YSMN for review and comment, as detailed within Mitigation Measure No. 6. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
103. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
104. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and the FTBMI shall be contacted, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the FTBMI and YSMN, and all subsequent finds shall be subject to this



Plan. This Plan shall allow for a monitor to be present that represents FTBMI and YSMN for the remainder of the project, should the FTBMI and YSMN elect to place a monitor on-site.

105. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to FTBMI and YSMN. The Lead Agency and/or applicant shall, in good faith, consult with FTBMI and YSMN through the life of the project.
106. The applicant shall submit the required Construction Excavation Fee to the Antelope Valley Air Quality Management District (AVAQMD) prior to the issuance of any grading and/or construction permits. This includes compliance with all prerequisites outlined in District Rule 403, Fugitive Dust, including submission and approval of a Dust Control Plan, installation of signage and the completion of a successful onsite compliance inspection by an AVAQMD field inspector. Proof of compliance shall be submitted to the City.
107. A paleontological resource mitigation program shall be prepared by a qualified paleontologist prior to the issuance of any construction related permits. At a minimum, the mitigation program shall include the following:
  - A Worker's Environmental Awareness Program (WEAP) shall be prepared and presented to all field personnel to describe the types of fossils that may be found and the procedures to follow if any are encountered.
  - Full time construction monitoring shall occur at all depths where alluvium is exposed and at depths greater than or equal to four feet below ground surface (bgs) where artificial fill is present. Full time monitoring may be reduced to spot-check monitoring at the discretion of the paleontologist if no intact and significant paleontological resources are encountered during the initial period of construction monitoring.
  - Provide details about fossil collection, analysis, and preparation for permanent curation at an approved repository.
108. The applicant shall have all non-compliant items discovered on the site and the dumped soil piles profiled (tested) to ensure proper disposal or potential reuse.
109. 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 the periods and days permitted by local ordinance.
110. The on-site construction supervisor shall have the responsibility and authority to receive and resolve 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.

111. Electrically powered equipment shall be used instead of pneumatic or internal combustion power equipment, where feasible.
112. Material stockpiles and mobile equipment staging, parking and maintenance areas shall be located as far away as practicable from noise sensitive receptors.
113. The use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.
114. No project-related public address or music system shall be audible at any adjacent receptor.
115. All noise producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and other shrouds, shields, or other noise-reducing features in good operating condition that meets or exceeds original factory specifications. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors, etc.) shall be equipped with shrouds and noise controls features that are readily available for the type of equipment.
116. The proposed development shall incorporate the design features recommended in the noise study, or the equivalent, to ensure noise impacts upon occupancy remain less than significant. These design features shall be indicated on the building plans.